

Exhibit G

7/29/2018

PAGV Co-Chairs to State Department: Block Release of Downloadable Blueprints for Do-It-Yourself, 3D Printed Guns | Office of Los Angeles City Att...

Case 2:18-cv-13248-SDW-LDW Document 1-3 Filed 08/27/18 Page 2 of 145



MIKE FEUER

Los Angeles City Attorney

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GUN VIOLENCE

SCHOOL SAFETY PANEL

UNIT 4 - 2

VICTIM ASSISTANCE

CLAIMS

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OFFICE

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CONSUMER PROTECTION

NEIGHBORHOOD PROSECUTORS

COMMUNITY JUST

PAGV Co-Chairs to State Department: Block Release of Downloadable Blueprints for Do-It-Yourself, 3D Printed Guns

July 25, 2018



New York, NY and Los Angeles, CA: Manhattan District Attorney Cyrus Vance, Jr., and Los Angeles City Attorney Mike Feuer, co-chairs of Prosecutors Against Gun Violence, today released the following joint statement urging the U.S. State Department to block the online release of blueprints for do-it-yourself, 3D-printed guns:

"In a matter of days, the State Department is preparing to allow unlimited online access to schematic designs that enable 3D printing of untraceable guns. In a complete reversal of longstanding regulatory oversight, the State Department has decided to provide a special exemption to a private company, Defense Distributed, to post its gun blueprints online."

"No one is safer if criminals can print untraceable guns on demand. Allowing this exemption from federal rules would be an unconscionable mistake, making it all-too-easy for anyone with a dangerous history – including terrorists and domestic abusers who cannot pass a background check – to download files and print a functional gun with 3D printers available to any consumer. This decision undermines the critical public safety laws that prosecutors enforce day in and day out."

"Invisible to metal detectors, these plastic guns could easily be smuggled onto airplanes, and into concerts, festivals, and government buildings. Untraceable, they would undermine the work of law enforcement by crippling criminal investigations before they even began. The State Department must not allow this company to have a special exemption to these rules. These blueprints should not be published under any circumstances."

Tags: Prosecutors Against Gun Violence PAGV Cy Vance Los Angeles City Attorney Mike Feuer guns



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Exhibit H

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^o Florida Bar
^o Washington, D.C. Bar
^o New Jersey Bar
* Pennsylvania Bar

July 27, 2018

Via FAX 609-292-3508

Gurbir S. Grewal
Attorney General of New Jersey
Office of the Attorney General
P.O. Box 080
Trenton, NJ 08625

Re: Defense Distributed

Dear Attorney General Grewal:

We represent Defense Distributed in connection with your letter dated July 26, 2018, in which you make various demands regarding making certain computer files available to the public on the internet (the "Letter").

First, please be advised that Defense Distributed rejects your contention that any action contemplated by Defense Distributed violates or will violate New Jersey law. The Letter takes only vague and general positions regarding nuisance and negligence law. Nothing in the Letter supports your position.

Second, please be advised that all actions contemplated by Defense Distributed are fully protected by the First Amendment, and your attempts to prevent such action constitute an unconstitutional prior restraint and otherwise violate the United States Constitution and New Jersey Constitution.

Third, the Letter constitutes an unlawful threat, in violation of Defense Distributed's Constitutional rights, and Defense Distributed reserves its rights under 18 U.S.C. §1983, 18 U.S.C. §242, and N.J.S. 10:6-2, and demands that you withdraw the Letter.

Notwithstanding the foregoing, at this time Defense Distributed will attempt to restrict files made available on the internet to prevent download within New Jersey. This should not be construed as an acknowledgment of the validity of your position, and Defense Distributed reserves all of its rights in this regard.

Very truly yours,


DANIEL L. SCHMUTTER

DLS/srs

cc: Evan Nappen, Esq. (via email)
Defense Distributed (via email)

Exhibit I

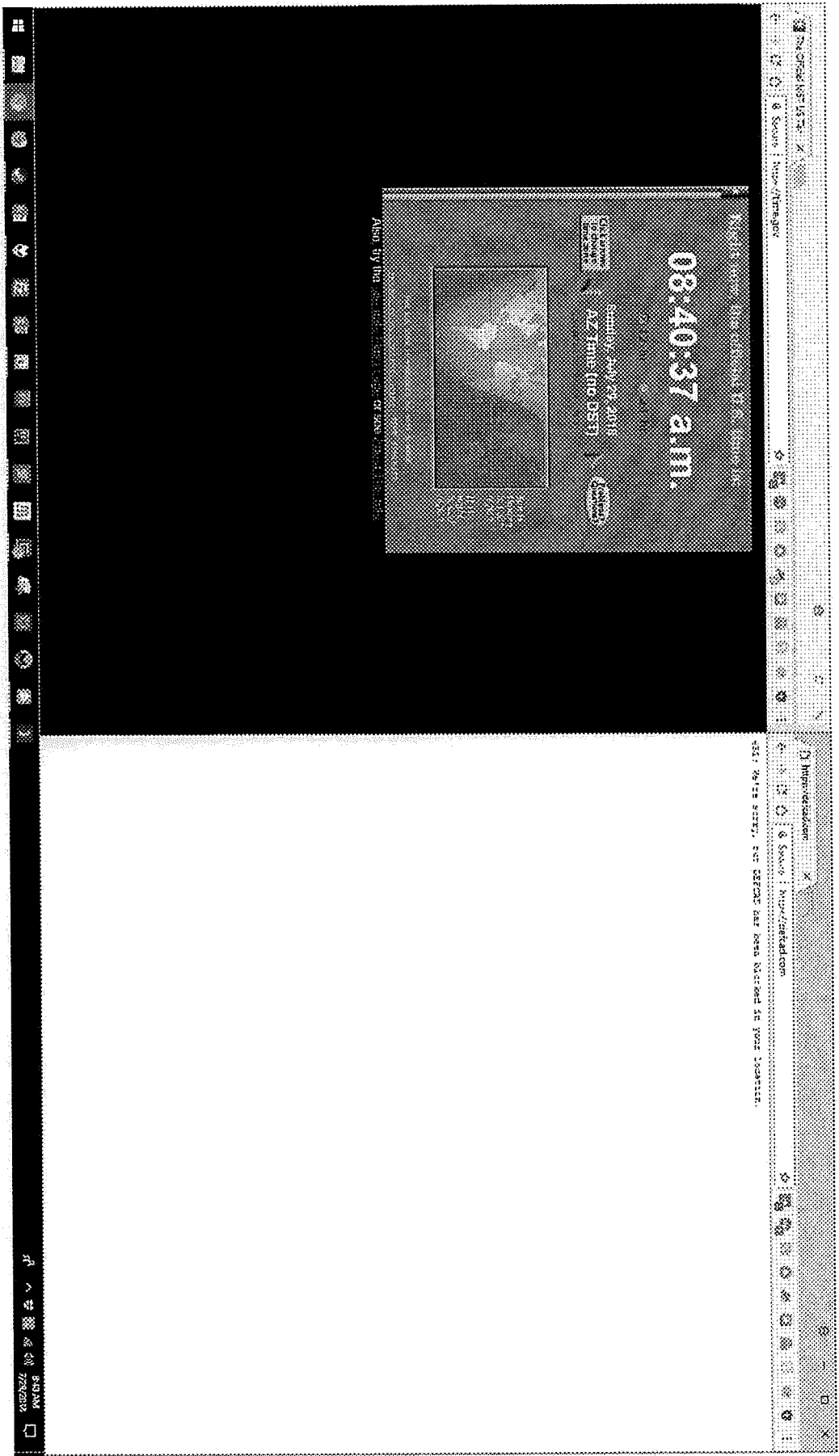


EXHIBIT “F”

EXHIBIT “F”

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
CONNECTICUT; STATE OF MARYLAND;
STATE OF NEW JERSEY; STATE OF NEW
YORK; STATE OF OREGON;
COMMONWEALTH OF
MASSACHUSETTS; COMMONWEALTH
OF PENNSYLVANIA; and the DISTRICT
OF COLUMBIA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE; MICHAEL R. POMPEO, in his
official capacity as Secretary of State;
DIRECTORATE OF DEFENSE TRADE
CONTROLS; MIKE MILLER, in his official
capacity as Acting Deputy Assistant Secretary
of Defense Trade Controls; SARAH
HEIDEMA, in her official capacity as Director
of Policy, Office of Defense Trade Controls
Policy; DEFENSE DISTRIBUTED; SECOND
AMENDMENT FOUNDATION, INC.; AND
CONN WILLIAMSON,

Defendants.

NO.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

1 Plaintiffs the State of Washington, State of Connecticut, State of Oregon, State of
2 Maryland, State of New Jersey, State of New York, Commonwealth of Massachusetts,
3 Commonwealth of Pennsylvania and the District of Columbia (the “States”) bring this lawsuit
4 against Defendants United States Department of State, Michael R. Pompeo, Directorate of
5 Defense Controls, Mike Miller, and Sarah Heidema (the “Government Defendants”); as well as
6 Defense Distributed, Second Amendment Foundation, Inc.; and Conn Williamson.

7 I. INTRODUCTION

8 1. This case addresses the threat that downloadable guns, in the form of Computer
9 Aided Design (CAD) files for the automated production of firearms using a 3-D printer¹, will
10 imminently be released on the internet, making these weapons available to virtually anyone. 3-D
11 printed guns are functional weapons that are often unrecognizable by standard metal detectors
12 because they are made out of materials other than metal (e.g., plastic) and untraceable because
13 they contain no serial numbers. Anyone with access to the CAD files and a commercially
14 available 3-D printer could readily manufacture, possess, or sell such a weapon—even those
15 persons statutorily ineligible to possess firearms, including violent felons, the mentally ill and
16 persons subject to protection and no-contact orders. This serious threat to the national security
17 and to public safety in the State of Washington was caused by the Federal Government’s covert
18 and *ultra vires* regulatory about-face, in violation of the Administrative Procedure Act (APA)
19 and the Tenth Amendment to the U.S. Constitution. Until recently, the Federal Government
20 prohibited the distribution of CAD files for the automated production of 3-D printed weapons
21 by including such files on the United States Munitions List (USML) and making them subject to
22 the International Traffic in Arms Regulations (ITAR), which are administered by the Directorate
23 of Defense Trade Controls (DDTC) within the Department of State. As recently as April of this
24 year, the Government’s position was that if such CAD files were distributed via the internet, they

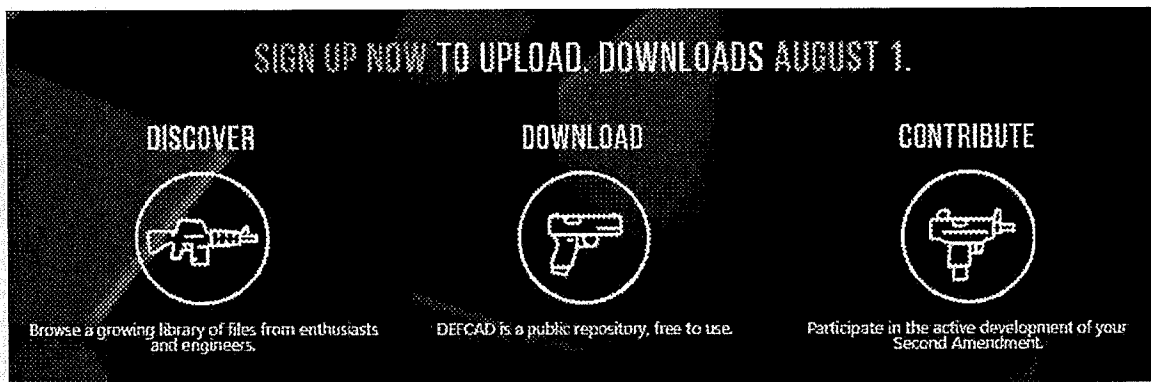
¹ 3-D printing refers to technology that allows a person to make a three dimensional product using a digital file or software in conjunction with a printer that is directed by the software. *See, e.g.,* <https://3dprinting.com/what-is-3d-printing/> (last visited July 30, 2018).

1 could be “easily used overseas to make firearms that are subject to U.S. export controls”, where,
2 “beyond the reach of U.S. law, they could be used to threaten U.S. national security, U.S. foreign
3 policy interests, or international peace and stability.”

4 2. In June 2018, however, the Government completely reversed its position on the
5 dissemination of the CAD files—not publicly or in accordance with a valid administrative
6 process, but by entering an under-the-radar settlement with a private company known as Defense
7 Distributed (DD). *Defense Distributed v. U.S. Dept. of State*, 15-CV-372 RP (W.D. Texas).
8 Defense Distributed’s stated objective is to ensure global, unrestricted access to firearms by
9 posting its CAD files online so that virtually everyone will have access to a “downloadable gun.”
10 As part of the Settlement Agreement, the Government promised to: (i) draft and fully pursue a
11 notice of rulemaking and a final rule to remove the CAD files at issue from ITAR jurisdiction;
12 (ii) temporarily modify Category I of the USML to exclude the files at issue from ITAR; (iii)
13 issue a letter to Defense Distributed advising that its files are exempt from ITAR and “approved
14 for public release (i.e., unlimited distribution)”; and (iv) permit “any United States person” to
15 “use, reproduce or otherwise benefit from” the files at issue.

16 3. On July 27, 2018, in accordance with the Settlement Agreement, DDTC
17 published a “Temporary Modification of Category I of the United States Munitions List” that
18 permits the dissemination of certain CAD files in Defense Distributed’s possession, including
19 files used to create undetectable and untraceable weapons, as well as a tabletop gun-milling
20 machine called the “Ghost Gunner.” This deregulation also applies to other files for the
21 automated production of 3-D printed weapons that may be developed or acquired by Defense
22 Distributed in the future.
23
24

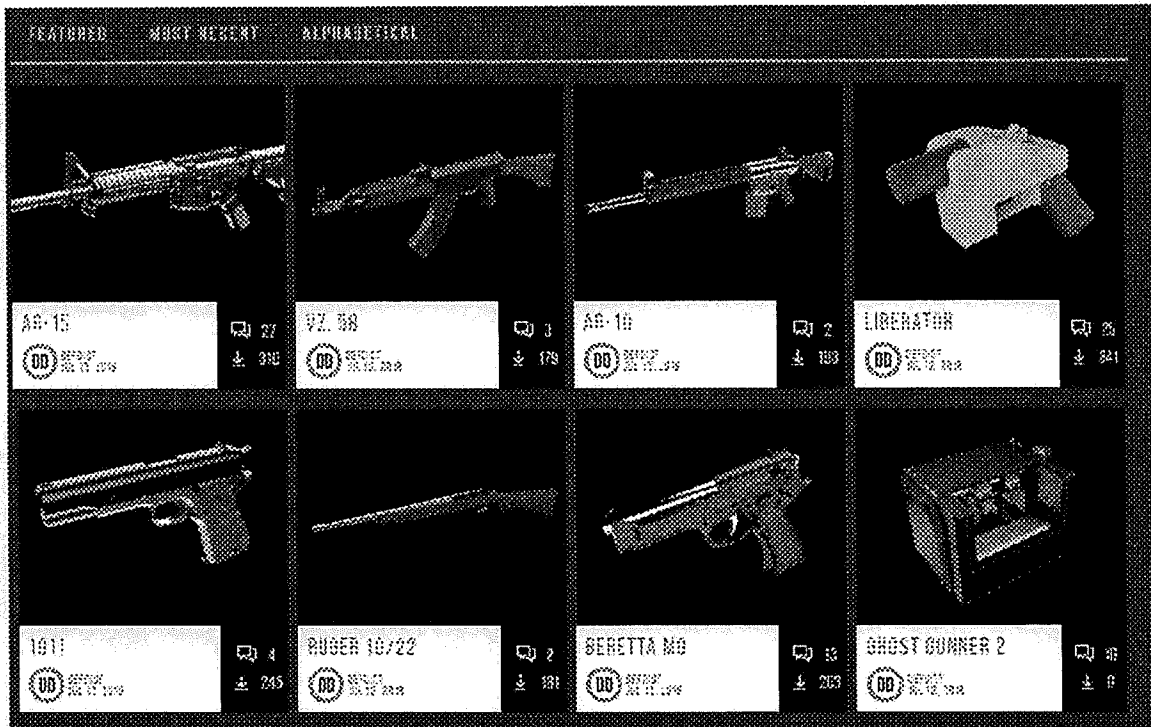
4. Although the Government's deregulation of the CAD files in question is nominally "temporary," it permits Defense Distributed's founder, self-described "crypto-anarchist" Cody Wilson—and anyone else—to immediately disseminate the files by making them available for download via the internet. Wilson and Defense Distributed have announced that they intend to release the files on August 1, 2018. As of that point, the files will be, practically speaking, irretrievable, because they will have been posted on the internet—a bell that cannot be un-rung:



Source: <https://defcad.com> (accessed July 28, 2018).

5. The files that Defense Distributed intends to make available for download as of August 1, 2018 include CAD files that can be used to manufacture a variety of weapons, including AR-15 frames² and a 3-D printed pistol known as the "Liberator", as well as a "computer-controlled milling machine" called the "Ghost Gunner," which is designed to allow its owner to carve gun parts out of aluminum:

² An AR-15 is a semi-automatic rifle that is the civilian equivalent of the M-16 and the weapon of choice for many mass shooters.



Source: <https://defcad.com> (accessed July 28, 2018).

6. According to news reports,³ the Defense Distributed website's repository of downloadable-gun files will also include "more exotic DIY semi-automatic weapons." "The relaunched site will be open to user contribution, too; Wilson hopes it will soon serve as a searchable, user-generated database of practically any firearm imaginable." According to Wilson: "What's about to happen is a Cambrian explosion of the digital content related to firearms." Wilson says: "All this Parkland stuff, the students, all these dreams of 'common sense gun reforms'? No. The internet will serve guns, the gun is downloadable . . . No amount of petitions or die-ins or anything else can change that."

³ Andy Greenberg, *A Landmark Legal Shift Opens Pandora's Box for DIY Guns*, (July 18, 2018) Wired, available at <https://www.wired.com/story/a-landmark-legal-shift-opens-pandoras-box-for-diy-guns/>, attached hereto as Ex. 1.

1 7. The Government entered into the Settlement Agreement in contravention of the
2 statutes and regulations which govern the export designation process. Among other things, upon
3 information and belief, the State Department: (i) has not provided the relevant Congressional
4 committees with the required 30 days' notice to "temporarily" modify the USML or to achieve
5 the same thing via approval for public release of the information pursuant to 22 C.R.F.
6 §125.4(b)(13); (ii) has not received the concurrence of the Secretary of Defense to "temporarily"
7 change the designation of the files at issue; and (iii) has not followed established commodity
8 jurisdiction procedures before agreeing to "temporarily" exempt the CAD files at issue from
9 ITAR.

10 8. The "temporary modification" of USML Category I and approval for public release
11 of the information pursuant 22 C.F.R. §125.4(b)(13) are especially troubling because it involves
12 making CAD files available on the internet, which largely overrides the later need to formally
13 modify the relevant rules. Moreover, the "temporary modification" on its face applies to recently
14 developed files that the Government has presumably not even seen or evaluated, as well as files
15 that may be developed in the future.

16 9. In addition, the Government has acted in an arbitrary and capricious manner, and
17 has abused its discretion, by (i) failing to consider evidence relevant to ITAR jurisdiction over
18 the CAD files; (ii) drastically changing long-established practice and policy without any
19 explanation or sufficient notice; and (iii) failing to study the national- and state-security
20 implications of exempting the CAD files from ITAR. Upon information and belief, the
21 Government has made no determination regarding the national security implications of the
22 agreement, or its effects on sovereign U.S. states' ability to protect the safety of those within
23 their borders.
24

1 10. Tellingly, even the notices of proposed rules to amend the ITAR, which the
2 Departments of State and Commerce published on May 24, 2018, make no mention of the
3 dangers posed by the files falling into the hands of terrorist organizations, insurgent groups,
4 transnational organized criminal organizations, or countries subject to the U.S. or U.N. arms
5 embargoes.

6 11. The Government Defendants' unlawful actions—if allowed to stand—will lead
7 to the proliferation of untraceable printed guns overseas and within the United States.
8 Domestically, the proliferation of these guns also threatens to cripple the various States'
9 extensive and comprehensive systems of firearms regulations designed to keep guns out of the
10 wrong hands.

11 12. For all these reasons, and others detailed below, the Government Defendants have
12 violated the Administrative Procedure Act (APA) and the Tenth Amendment of the U.S.
13 Constitution, which reserves police power to the states. The Plaintiff States seek a declaration
14 that the “temporary modification” of the USML Category I (which constitutes a final agency
15 action) is invalid, and an injunction requiring the Government Defendants to rescind the
16 temporary modification and refrain from acting in a manner inconsistent with such rescission.

17 II. JURISDICTION AND VENUE

18 13. This Court has jurisdiction over this matter and the parties hereto pursuant to 28
19 U.S.C. §§ 1331, 2201, and 2202.

20 14. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(e) because the Plaintiff
21 is located here and a substantial part of the events or omissions giving rise to the claim occurred
22 or will imminently occur here. In particular, the dissemination of the CAD files in question will
23 have an adverse impact on the public safety in the City of Seattle and King County, Washington,
24 which are located in this district. *See* Declarations of King County Sheriff Mitzi Johanknecht

1 (attached hereto as Exhibit 2) and Seattle Police Chief Carmen Best (attached hereto as Exhibit
2 3). Also, Defendant Second Amendment Foundation, Inc. is located in Bellevue, Washington.

3 III. PARTIES

4 15. The States of Washington, Connecticut, Maryland, New Jersey, New York,
5 Oregon, the Commonwealths of Massachusetts and Pennsylvania (Plaintiff States) and the
6 District of Columbia, represented by and through their respective Attorneys General, are
7 sovereign states of the United States of America. The security of the Plaintiff States is threatened
8 by the Government's deregulation of CAD files for the automated production of 3-D printed
9 weapons via the "temporary modification" of the USML Category I. The "temporary
10 modification" is also a direct attack on the State's sovereign power to protect the safety of those
11 within its borders, including the power to enact and enforce laws related to the ownership and
12 use of firearms.

13 16. Defendant the United States Department of State (State Department) is the
14 executive agency of the United States government responsible for administering and enforcing
15 the ITAR under the authority of the Arms Export Control Act (AECA). The State Department is
16 a party to the Settlement Agreement with Defense Distributed.

17 17. Defendant Michael R. Pompeo is sued in his official capacity as the Secretary of
18 State. In this capacity, he is responsible for the operation and management of the State
19 Department, including the operation and management of the Directorate of Defense Trade
20 Controls (DDTC) and administration and enforcement of the ITAR. The Secretary of State is a
21 party to the Settlement Agreement with Defense Distributed.

22 18. Defendant DDTC is a subordinate unit within the Department of State Bureau of
23 Political and Military Affairs responsible for administering and enforcing the ITAR. The DDTC
24

1 enacted the “temporary modification” of the USML Category I, and is a party to the Settlement
2 Agreement with Defense Distributed.

3 19. Defendant Mike Miller is sued in his official capacity as the Acting Deputy
4 Assistant Secretary of Defense Trade Controls. The Acting Deputy Assistant Secretary is a party
5 to the Settlement Agreement with Defense Distributed.

6 20. Defendant Sarah Heidema is sued in her official capacity as the Director, Office
7 of Defense Trade Controls Policy. The Director, Office of Defense Trade Controls Policy is a
8 party to the Settlement Agreement with Defense Distributed.

9 21. Defendant Defense Distributed is a Texas corporation whose headquarters and
10 principal place of business are located in Austin, Texas. Upon information and belief, Defense
11 Distributed advertises and sells items over the internet throughout the nation, including in
12 Washington. Defense Distributed also intends to make available for download from the internet
13 as of August 1, 2018 the CAD files at issue in this Complaint, and these downloads would be
14 available in Washington. Defense Distributed is a necessary party as the Settlement Agreement
15 that it entered into with the other Defendants may be affected by the requested relief, and this
16 may impede Defense Distributed’s interests under that Settlement Agreement.

17 22. Defendant Second Amendment Foundation, Inc. is a non-profit organization
18 incorporated under the laws of Washington with its principal place of business in Bellevue,
19 Washington. The Second Amendment Foundation is a necessary party as the Settlement
20 Agreement that it entered into with the other Defendants may be affected by the requested relief,
21 and this may impede the Second Amendment Foundation’s interests under that Settlement
22 Agreement.

23 23. Conn Williamson is a citizen of the State of Washington. Mr. Williamson is a
24 necessary party as the Settlement Agreement that he entered into with the other Defendants may

1 be affected by the requested relief, and this may impede Mr. Williamson's interests under that
2 Settlement Agreement.

3 IV. ALLEGATIONS

4 A. The Statutory and Regulatory Framework

5 24. The Arms Export Control Act (AECA), 22 U.S.C. § 2751 *et seq.*, authorizes the
6 President, "[i]n furtherance of world peace and the security and foreign policy of the United
7 States . . . to control the import and the export of defense articles and defense services."
8 22 U.S.C. § 2778(a)(1). The purpose of the AECA is to reduce the international trade in arms
9 and avoid destabilizing effects abroad through arms exports. 22 U.S.C. § 2751.

10 25. Under the AECA, "[t]he President is authorized to designate those items which
11 shall be considered as defense articles and defense services for the purposes of this section and
12 to promulgate regulations for the import and export of such articles and services." 22 U.S.C. §
13 2778(a)(1). Items designated as defense articles or services constitute the United States
14 Munitions List (USML). *Id.* at § 2778(a)(1). Category I of the USML lists articles, services,
15 and related technical data for "Firearms, Close Assault Weapons and Combat Shotguns."

16 26. Among other things, Category I of the USML includes all firearms up to .50
17 caliber, and all technical data directly related to such firearms. *See* 22 C.F.R. § 121.1(I)(a).
18 "Technical data" is information that "is required for the design, development, production,
19 manufacture, assembly, operation, repair, testing, maintenance or modification of defense
20 articles." *Id.* § 120.10(a). Technical data includes "information in the form of blueprints,
21 drawings, photographs, plans, instructions or documentation". § 120.10.

22 27. As former Director of the Office of Defense Trade Controls Management Lisa V.
23 Aguirre stated in a 2015 declaration filed in federal court, "the 'technical data' provisions serve
24 the purpose of limiting the export of detailed information needed to manufacture, maintain, or

1 operate defense articles controlled on the USML. *Defense Distributed v. U.S. Dept. of State*, 15-
2 CV-372 RP Dkt. 32-1 ¶ 14(d). Such export limitations advance the purposes of the AECA by
3 limiting the ability of foreign powers to design, develop, and produce defense articles in lieu of
4 being able to obtain those articles directly. Absent the inclusion of technical data in the ITAR,
5 the ITAR's limits on arms transfers would be of negligible practical effect because the ITAR
6 would leave unregulated the exportation of the fundamental technology, know-how, blueprints,
7 and other design information sufficient for foreign powers to construct, produce, manufacture,
8 maintain, and operate the very same equipment regulated in its physical form by the ITAR." *Id.*

9 28. Pursuant to Executive Order 13637, the President has delegated his AECA
10 authority to the State Department. In turn, the State Department has promulgated the ITAR,
11 which is administered by the DDTC. *See* 22 C.F.R. §§ 120-130. Among other things, the DDTC
12 is tasked with maintaining, reviewing and clarifying the USML.

13 29. Pursuant to Executive Order 13637, section 1(n), "[d]esignations including
14 changes in designations, by the Secretary of items or categories that shall be considered as
15 defense articles and defense services subject to export control under section 38 (22 U.S.C. 2778)
16 shall have the concurrence of the Secretary of Defense."

17 30. In addition, the Executive Branch must give notice to the International Relations
18 Committee of the House of Representatives and to the Committee on Foreign Relations of the
19 Senate at least 30 days in advance of removing an item from the USML. 22 U.S.C. § 2778(f)(1).
20 Such notification must be made in accordance with the procedures applicable to reprogramming
21 notifications under section 634A(a) of the Foreign Assistance Act of 1961, 22 U.S.C. § 2394-1.
22 *Id.*

23 31. Subject to the procedural requirements above and other provisions of AECA,
24 ITAR allows the Deputy Assistant Secretary for Defense Trade Controls to order the temporary

1 modification of any ITAR regulation. However, it may do so only “in the interest of the security
2 and foreign policy of the United States”—not merely as an interim measure before a final rule
3 can be passed. 22 C.F.R. § 126.2.

4 32. For situations where there is doubt that a particular item to be exported falls on
5 the USML, ITAR contains a commodity jurisdiction (CJ) procedure. 22 C.F.R. § 120.4. Upon
6 written request, the DDTC will provide a determination as to whether a certain item, service, or
7 data is within the jurisdiction of ITAR. *Id.*

8 33. As the Director Aguirre explained in her 2015 declaration, the CJ determination
9 “entails consultation among the Department of State, Defense, Commerce and other U.S.
10 Government agencies and industry in appropriate cases.” Ex. 4 ¶ 19. Assessments are made on
11 a case-by-case basis, evaluating whether the article is covered by the USML, is functionally
12 equivalent to an article on the USML, or has substantial military or intelligence application. A
13 determination made pursuant to the commodity jurisdiction process takes into account “(i) The
14 form and fit of the article; and (ii) The function and performance capability of the article.” Ex. 4
15 ¶ 20.

16 34. 22 C.F.R. § 120.4(f) requires that “State, Defense and Commerce will resolve
17 commodity jurisdiction disputes in accordance with established procedures. State shall notify
18 Defense and Commerce of the initiation and conclusion of each case.”

19 **B. The Defense Distributed CAD Files**

20 35. Defense Distributed is a Texas corporation founded by Cody Wilson, a self-
21 described “crypto-anarchist” who believes that “governments should live in fear of their
22 citizenry.” His company’s objective is for everyone in the world to have access to guns, and to
23 make meaningful gun regulation impossible.
24

1 36. In or around early May 2013, Defense Distributed posted CAD files on
2 DEFCAD.org, a website it created to serve as an open-source repository for weapons designs,
3 including software code used to automatically manufacture the “Liberator” pistol. The Liberator
4 is a plastic firearm which contains 6-oz piece of steel, which can be easily removed, enabling it
5 to avoid detection in walk-through metal detectors.

6 37. Defense Distributed described these CAD files as “essentially blueprints that can
7 be read by CAD software.” As the Federal Government stated in a court filing in April 2018,
8 these files are “indispensable to a three-dimensional (‘3-D’) printing process used to create
9 firearms and their components.” All a user would need to do is connect to a 3-D printer,
10 download the CAD files, and enter a print command, in order to create a real, functional weapon
11 within hours or minutes.

12 38. On May 8, 2013, the Office of Defense Trade Controls Compliance, which is
13 responsible for compliance with and civil enforcement of the AECA and ITAR, sent Defense
14 Distributed a letter noting that “it is unlawful to export any defense article or technical data for
15 which a license or written approval is required without first obtaining the required authorization
16 from the DDTC.” That letter is attached hereto as Exhibit 5. The letter explained that “disclosing
17 (including oral or visual disclosure) or transferring foreign data to a foreign person, whether in
18 the United States or abroad, is considered an export under § 120.17 of the ITAR.” It requested
19 that Defense Distributed remove ten specific CAD files from public access “immediately” and
20 advised that Defense Distributed could submit a request for CJ determination for the files.
21 Defense Distributed submitted a CJ determination request on June 21, 2015.

22 39. Separately, Defense Distributed submitted a CJ determination request for the
23 “Ghost Gunner,” an automated firearms metal milling machine. In April 2015, the DDTC
24 determined that the Ghost Gunner machine itself was not subject to the jurisdiction of the State

1 Department, but that the “project files and data files for producing a defense article on a 3D
2 printer or similar device constituted technical data on that defense article that would be subject
3 to ITAR regulation.”

4 40. The DDTC completed its review of Defense Distributed’s original requests on
5 June 4, 2015 and determined that six of those files were subject to ITAR control: (i) the
6 Liberator pistol; (ii) the .22 caliber electric pistol; (iii) the 5.56/.223 muzzle brake; (iv) the
7 Springfield XD- 40 tactical slide assemble; (v) the sub-caliber insert; and (vi) the VZ-58 front
8 sight.

9 41. In making its CJ determination, the DDTC noted that the CAD files could be used
10 to “automatically find, align, and mill” a defense article such as a firearm on a 3-D printer or
11 other manufacturing device, and that manufacture of a defense article in this way requires
12 considerably less know-how than manufacture in reliance on conventional technical data, which
13 merely *guides* the manufacture of a defense article and requires additional craftsmanship, know-
14 how, tools, and materials.

15 **C. Defense Distributed’s Lawsuit against the Federal Government**

16 42. In May 2015, Defense Distributed sued the Federal Government in a Texas
17 federal district court, seeking an injunction to prevent the Government from regulating Defense
18 Distributed’s dissemination of the CAD files. *Def. Distributed v. U.S. Dept. of State*,
19 15-CV-372 RP (W.D. Texas).

20 43. In defending against that lawsuit, the Government stated it was “particularly
21 concerned that [the] proposed export of undetectable firearms technology could be used in an
22 assassination, for the manufacture of spare parts by embargoed nations, terrorist groups, or to
23 compromise aviation security overseas in a manner specifically directed at U.S. persons.” As
24 the Government explained, the CAD files “are ‘technical data’ that are regulated by the ITAR

1 because, absent such regulation, providing the CAD designs to a foreign person or foreign
2 government would be equivalent to providing the defense article itself, enabling the complete
3 circumvention of ITAR's export regulations."

4 44. Along with its opposition to Plaintiffs' preliminary injunction motion, the
5 Government submitted an affidavit from Lisa V. Aguirre, who was then the Director of the
6 Office of Defense Trade Controls Management. *See* Ex. 4, Dkt. 32-1. Among other things,
7 Director Aguirre stated that: (i) "[t]he 'Liberator' firearm included in DD's CAD designs
8 presents a specific and unique risk to the national security and foreign policy interests of the
9 United States"; (ii) making the CAD files available online would provide terrorist organizations
10 with firearms, which could be used against the United States or its allies; and (iii) "[a]ccess to
11 weapons technology coupled with the uncontrolled ubiquitous means of productions . . . could
12 contribute to armed conflict, terrorist or criminal acts, and seriously undermine global export
13 control and non-proliferation regimes designed to prevent the dangerous and destabilizing spread
14 and accumulation of weapons and related technologies." Ex. 4 at ¶ 35(c).

15 45. The federal district court accepted the Government's arguments and declined to
16 preliminarily enjoin the Government's regulation of the CAD files. In doing so, the court found
17 that "[f]acilitating global access to firearms undoubtedly increases the possibility of outbreak or
18 escalation of conflict." *Def. Distributed v. U.S. Dep't of State*, 121 F. Supp. 3d 680, 691
19 (W.D. Tex. 2015).

20 46. On appeal, the Fifth Circuit affirmed the district court's refusal to enjoin the
21 Government's enforcement efforts, focusing on both the national security implications of the
22 CAD files and the permanent nature of the internet:

23 Even if Plaintiffs–Appellants eventually fail to obtain a permanent injunction, the
24 files posted in the interim [if a preliminary injunction issued] would remain online
essentially forever, hosted by foreign websites such as the Pirate Bay and freely

1 available worldwide . . . *Because those files would never go away*, a preliminary
2 injunction would function, in effect, as a permanent injunction as to all files
3 released in the interim. *Thus, the national defense and national security interest*
4 *would be harmed forever*.

5 *Def. Distributed v. United States Dep't of State*, 838 F.3d 451, 461 (5th Cir. 2016) (emphasis
6 added).

7 47. On January 8, 2018, the Supreme Court denied Defense Distributed's petition for
8 a writ of certiorari. *Def. Distributed v. Dep't of State*, 138 S. Ct. 638 (2018).

9 48. After the district court lifted the stay of proceedings that had been imposed
10 pending the above-referenced appeals, the Government in April 2018 moved to dismiss Defense
11 Distributed's complaint, arguing that the CAD files at issue "can unquestionably facilitate the
12 creation of defense articles abroad" and that "the Department of State has consistently and
13 reasonably concluded that it is not possible to meaningfully curtail the overseas dissemination
14 of arms if unfettered access to technical data essential to the production of those arms is
15 permitted." If the Government were not permitted to regulate the dissemination of the CAD
16 files, it argued, "they could be used to threaten U.S. national security, U.S. foreign policy
17 interests, or international peace and stability."

18 49. Mere weeks after the Government moved to dismiss, Wilson and Defense
19 Distributed abruptly announced that their case had settled. According to news reports, "the
20 government surprised the plaintiffs by suddenly offering them a settlement with essentially
21 everything they wanted."⁴ On July 27, 2018, the parties filed a stipulation of dismissal with
22 prejudice.

23 **D. The Government's Settlement Agreement with Defense Distributed**

24 50. The Settlement Agreement was apparently finalized in April 2018, but was not
executed by the parties until June 29, 2018, and was not made public until July 10, 2018. A true

⁴ Exhibit 1

1 and correct copy of the Settlement Agreement, which is published on DDTC's website
 2 (<https://www.pnddtc.state.gov>), attached hereto as Exhibit 6.

3 51. Pursuant to Paragraph 1 of the Settlement Agreement, the Government
 4 Defendants have committed to:

5 a. "draft and . . . fully pursue, to the extent authorized by law (including the
 6 Administrative Procedure Act), the publication in the Federal Register of a notice of
 7 proposed rulemaking and final rule, revising USML Category I to exclude the technical
 8 data that is the subject of the [Defense Distributed] Action";

9 b. "announce[], while the above-referenced rule is in development, . . . a
 10 temporary modification, consistent with [ITAR], of USML Category I to exclude the
 11 technical data that is the subject of the Action . . . on or before July 27, 2018";

12 c. "issu[e] . . . a letter to Plaintiffs on or before July 27, 2018, signed by the
 13 Deputy Assistant Secretary for Defense Trade Controls, advising that the Published Files,
 14 Ghost Gunner Files, and CAD Files⁵ are approved for public release (i.e., unlimited
 15 distribution) in any form and are exempt from the export licensing requirements of the
 16 ITAR"; and

17 d. "acknowledge[] and agree[] that the temporary modification of USML
 18 Category I permits any United States person . . . to access, discuss, use, reproduce, or
 19 otherwise benefit from the technical data that is the subject of the Action, and that the
 20
 21

22 ⁵ These terms are defined as follows, by reference to Defense Distributed's complaint:

- 23 • "Published Files": "technical information regarding a number of gun-related items, including a
 trigger guard, grips, two receivers, a magazine for AR-15 rifles, and a handgun".
- 24 • "Ghost Gunner Files": "files containing technical information on a machine, named the "Ghost
 Gunner," that can be used to manufacture a variety of items, including gun parts".
- "CAD Files": files which Defense Distributed has made requests to the Department of Defense
 Office of Prepublication Review and Security for prepublication review since September 2, 2014.

1 letter to Plaintiffs permits any such person to access, discuss, use, reproduce or otherwise
2 benefit from the Published Files, Ghost Gunner Files, and CAD Files.”

3 52. Importantly, Paragraphs 1(a), (b), and (d) of the Settlement Agreement apply to
4 “the technical data that is the subject of the Action,” which is defined to include “Other Files,”
5 i.e., those that “Defense Distributed has and will continue to create and possess . . . that contain
6 technical information, to include design drawings, rendered images, written manufacturing
7 instructions.” In other words, they include existing files that the Government presumably has not
8 seen or evaluated, as well as files that may be created or acquired by Defense Distributed in the
9 future.

10 53. There is no indication in the Settlement Agreement (or elsewhere) that any
11 analysis, study or determination was made by the Government Defendants, in consultation with
12 other agencies, before the Government agreed to remove the CAD Files from the USML
13 Category I. In fact, the Settlement Agreement states that it “does not reflect any agreed-upon
14 purpose other than the desire of the Parties to reach a full and final conclusion of the Action, and
15 to resolve the Action without the time and expense of further litigation.” Ex. 6 ¶ 5.

16 54. Upon information and belief, neither the House Committee on Foreign Relations
17 nor the Senate Committee on Foreign Relations received the required 30 days’ advance notice
18 of the “temporary modification” referenced in Paragraphs 1(b) or (d) of the Settlement
19 Agreement. The temporary modification went into effect on July 27, 2018, without providing
20 any such notice to Congress.

21 55. In addition, there is no indication in the Settlement Agreement (or elsewhere) that
22 the Secretary of Defense has concurred in the changes to designation to which the Government
23 Defendants committed, as required by Executive Order 13637. There is also no indication that
24

1 the Government Defendants have followed the established procedures for making a CJ
2 determination before allowing Defense Distributed to disseminate its CAD files.

3 56. Since the Settlement Agreement became public, Cody Wilson and Defense
4 Distributed have repeatedly and adamantly claimed that the “temporary modification” pursuant
5 to the Settlement Agreement will effectively negate all gun violence prevention efforts. Among
6 other things, Wilson tweeted a photo of a tombstone announcing the death of “gun control,” and
7 stated: “All this Parkland stuff, the students, all these dreams of ‘common sense gun reforms’?
8 No. The internet will serve guns . . . No amount of petitions or die-ins or anything else can
9 change that.” *See* Ex. 1.

10 **E. The Government’s Actions in Accordance with the Settlement Agreement**

11 57. On May 24, 2018, as promised, the Government published notices of proposed
12 rulemaking by the State and Commerce Departments, which would remove Plaintiffs’ CAD files
13 from the USML Category I. *See* International Traffic in Arms Regulations: U.S. Munitions List
14 Categories I, II, and II, 83 Fed. Reg. 24,198 (May 24, 2018); Control of Firearms, Guns,
15 Ammunition and Related Articles the President Determines No Longer Warrant Control Under
16 the United States Munitions List (USML), 83 Fed. Reg. 24,166 (May 24, 2018).

17 58. According to the Department of State’s Notice of Proposed Rule, it “is engaged
18 in an effort to revise the U.S. Munitions List so that its scope is limited to those defense articles
19 that provide the United States with a critical military or intelligence advantage or, in the case of
20 weapons, are inherently for military end use.” According to the State Department, the articles
21 that would be removed from the list “do not meet this standard.” For this reason, the notice
22 proposes to remove all non-automatic firearms up to .50 caliber (and any related technical data)
23 from the USML under the jurisdiction of the State Department, and move jurisdiction over these
24

1 products over to the Commerce Department, which, due to its looser export controls,⁶ do not
2 typically take action to prohibit the publication of the data.

3 59. The Department of Commerce's Proposed Rule, filed the same day, describes
4 how its Export Administration Regulations (EAR) will apply to items no longer controlled under
5 the USML. Although the Department of Commerce would not comprehensively restrict the
6 export of technology related to firearms, it would have authority to impose a restriction on a
7 case-by-case basis if it determines the export would be contrary to the national security or foreign
8 policy interests of the United States, the promotion of human rights, or regional stability.
9 *See* 15 C.F.R. § 742.6. But the Department of Commerce cannot restrict the export of technology
10 already in the public domain, including through posting on publicly available sites on the
11 internet. *See* 15 C.F.R. §§ 734.3(b)(3), 734.7(a)(4). If the Government Defendants' improper
12 deregulation of the CAD files at issue is not enjoined, and Defense Distributed makes its
13 repository of files available online, the Department of Commerce will be unable to make an
14 independent determination about whether national security or other concerns warrant restricting
15 the unlimited dissemination of those files in accordance with the EAR.

16 60. The public comment period for both notices concluded on July 9, 2018, the day
17 before the Settlement Agreement became public.

18 61. On July 27, 2018, as promised, DDTC published a notice on its website entitled
19 "Temporary Modification of Category I of the United States Munitions List." attached hereto as
20 Ex. 7. This notice states that "the Acting Deputy Assistant Secretary for Defense Trade Controls
21 has determined that it is in the interest of the security and foreign policy of the United States to
22
23

24 ⁶ ITAR requires any exporter of items on the USML to register with the State Department, *see* 22 C.F.R.
122.1(a), but Commerce Department regulations include no similar registration requirement.

1 temporarily modify United States Munitions List (USML) Category I to exclude” the technical
2 data described in the Settlement Agreement.

3 62. Upon information and belief, the Government did not actually “determine” that
4 “it is in the interest of the security and foreign policy of the United States” to permit the global
5 dissemination of CAD files that can be used to automatically manufacture undetectable and
6 untraceable weapons. The notion that *removal* of an item from the USML is in the national
7 security interest defies common sense. This statement also contradicts the Settlement
8 Agreement, which provides that the parties’ agreement thereto does not “reflect any agreed-upon
9 purpose other than the desire of the Parties to reach a full and final conclusion of the Action, and
10 to resolve the Action without the time and expense of further litigation.”

11 63. In sum, the Government’s covert agreement to deregulate the CAD files by way
12 of the Settlement Agreement—which culminated in the enactment of the “temporary
13 modification” on July 27, 2018—are final agency decisions that not only failed to comply with
14 procedural requirements, but that have far-reaching implications for national security and the
15 safety and security of the State and people of Washington.

16 **F. Adverse Effects on the States’ Public Safety Laws**

17 64. Each of the States in this matter have extensive and comprehensive statutory and
18 regulatory schemes regarding firearms. The aim of the States’ laws is the same: To protect the
19 public by keeping guns out of the hands of those who should not possess them – minors,
20 convicted felons, the mentally ill, and those subject to protective and no-contact orders. The
21 States’ ability to protect the public will be seriously undermined if the Government’s action is
22 allowed to stand because the Government’s action will allow anyone – including those ineligible
23 to possess firearms – to easily obtain untraceable guns by simply printing them.
24

1 **1. Washington's Firearms Laws**

2 65. The State of Washington has a comprehensive statutory scheme regulating the
3 possession, licensing, registration, and use of firearms and dangerous weapons.

4 66. These laws promote public safety by keeping guns out of the hands of those who,
5 for various reasons, should not have access to them, including minors, persons convicted of
6 violent felonies, the mentally ill, and persons subject to various protection and no-contact orders.

7 67. As noted, Cody Wilson's express intent is to eviscerate *any* regulation of firearms
8 by providing to anyone—including the categories of persons just mentioned—the ability to
9 easily manufacture firearms that can evade metal detectors, are untraceable because they carry
10 no markings, and shoot bullets that cannot be forensically linked to the gun. The Government
11 Defendants' unlawful action in removing from the USML CAD files like those Mr. Wilson
12 intends to disseminate will allow Mr. Wilson and others like him to achieve their dream.

13 68. Indeed, the Government Defendants' unlawful action will effectively cripple
14 Washington's ability to enforce its firearm and dangerous weapons regulations—to the great
15 detriment of the public and public safety.

16 69. Washington law prohibits certain persons from obtaining or possessing firearms.
17 For example, persons cannot possess firearms if they have been convicted or found not guilty by
18 reason of insanity of crimes including serious felony offenses and certain crimes committed by
19 one family member against another (e.g., stalking, reckless endangerment, coercion). Wash Rev.
20 Code §§ 9.41.040(1), (2)(a)(i)-(ii). Persons subject to a variety of protection and no contact
21 orders are also prohibited from possessing firearms.⁷ Wash Rev. Code § 9.41.040(2)(a)(iii).
22 Persons who have been involuntarily committed for mental health treatment may not possess

23 _____
24 ⁷ These include sexual assault protection orders (Wash Rev. Code 7.90), stalking protection orders (Wash.
Rev. Code 7.92), anti-harassment protection orders (Wash Rev. Code 10.14), and domestic violence protection
orders (RCW 26.50).

1 firearms. Wash Rev. Code § 9.41.040(2)(a)(iv). Finally, persons under the supervision of the
2 Washington Department of Corrections cannot possess firearms or ammunition. Wash Rev.
3 Code § 9.41.045.

4 70. Washington law also has set up an extensive system of rules to ensure these
5 persons cannot buy firearms. For example, a person who applies to buy a pistol from a dealer
6 must provide a laundry list of information, including his or her name, residential address, date
7 and place of birth, driver's license number or state identification card number, and statement that
8 the buyer is eligible under Washington law to possess the gun, as well as a description of the
9 gun, including the make, model, caliber and manufacturer's number. Wash Rev. Code §
10 9.41.090(5). The dealer cannot deliver the pistol to the buyer, even if he or she is eligible to
11 possess the gun, unless the manufacturer's number for the gun is recorded on the application and
12 transmitted to the local police chief or sheriff where the buyer lives. *Id.* The dealer must keep a
13 record in a book of each pistol sold, including information about the person buying the weapon
14 (e.g., name, address, etc.) and the weapon (e.g., caliber, make, model and manufacturer's
15 number), and the book must be signed by both the buyer and the dealer in one another's presence.
16 Wash Rev. Code § 9.41.110(9)(a). The dealer is also obligated to give to the buyer a copy of a
17 pamphlet advising the buyer of legal restrictions on the use of firearms and firearms safety. Wash
18 Rev. Code § 9.41.090(5) (year).

19 71. One of the cornerstones of Washington's firearms regulatory structure is the use
20 of background checks. Essentially all sales or transfers of firearms in Washington are subject to
21 background checks.⁸ Wash. Rev. Code § 9.41.113(1). This includes not just sales by dealers, but
22 also sales or transfers at gun shows and online. *Id.* Even sales or transfers between unlicensed
23

24 ⁸ The exceptions to this rule are extremely limited (e.g., transfers between immediate family members, antique firearms, to prevent imminent death or great bodily harm, etc.). RCW 9.41.113(4).

1 parties must be run through a licensed dealer in order to ensure that a background check is
2 completed. Wash Rev. Code § 9.41.113(3). The purpose of the background check is simple and
3 obvious: to ensure that persons prohibited by law from possessing firearms are unable to do so.

4 72. The Government's "temporary modification" of the USML Category I to permit
5 "any United States person" to "access, discuss, use, reproduce, or otherwise benefit from" CAD
6 files for the automated production of 3-D printed weapons quite literally nullifies the State of
7 Washington's laws prohibiting certain categories of persons from possessing firearms.

8 73. If the "temporary modification" is left in place, the State of Washington stands to
9 suffer extreme and irreparable harm. Persons ineligible to possess firearms under Washington
10 law will easily be able to obtain downloadable guns that they can produce at home using a 3-D
11 printer. Washington law enforcement will have no means of detecting such weapons using
12 standard equipment such as metal detectors, and no means of tracing such weapons because they
13 have no serial numbers.

14 74. 3-D printers are widely available to the general public in Washington. For
15 example, Amazon has hundreds of 3-D printers on its website for sale to the public. In addition,
16 such printers are widely accessible at Washington colleges and universities, including the
17 University of Washington in Seattle. *See, e.g.,* [https://itconnect.uw.edu/learn/workshops/3d-](https://itconnect.uw.edu/learn/workshops/3d-printing-consultation/)
18 [printing-consultation/](https://itconnect.uw.edu/learn/workshops/3d-printing-consultation/) (University of Washington); <https://vcea.wsu.edu/fiz/3d-printing/>
19 (Washington State University); <https://www.cwu.edu/multimodal-education/3d-printing>
20 (Central Washington University).

21 75. The dangers posed by the Government's actions that will allow the imminent
22 dissemination of the technology needed to print guns is recognized by two of Washington's
23 preeminent law enforcement officers, Seattle Police Chief Carmen Best and King County Sheriff
24 Mitzi Johanknecht. As Sheriff Johanknecht attests, "Ghost guns are an extreme risk to public

1 safety that would disrupt the ability of law enforcement to conduct, solve and prevent violent
2 crimes.” Ex. 2 ¶ 8.

3 76. In sum, the Government’s actions are an extreme infringement on the State of
4 Washington’s sovereign right to enact and enforce its public safety laws.

5 **2. Connecticut’s Firearms Laws**

6 77. Connecticut comprehensively regulates the possession, sale and transfer of all firearms
7 within and into the state and bans the most dangerous military-style firearms completely. It also regulates
8 the classes of people who may lawfully possess otherwise lawful firearms and prohibits individual from
9 possessing firearms who pose the most serious threat to public safety, and in some instances, themselves.

10 **a. Connecticut’s regulation of all lawful firearm owners**

11 78. In Connecticut, people who wish to possess handguns—pistols or revolvers—are
12 required to have a valid pistol permit; an eligibility certificate to purchase pistols or revolvers; an
13 eligibility certificate to purchase long guns, or a be a police officer or one of the exemption listed in
14 law. Not everyone who wishes to have a pistol permit in Connecticut is granted one; he or she must be a
15 person is a suitable person to receive such permit. Conn. Gen. Stat. Ann. § 29-28. Individuals who wish
16 to possess a pistol or revolver must satisfy basic safety training requirements. Conn. Gen. Stat. Ann. §
29-36f(b); Conn. Gen. Stat. § 29-28 (b).

17 **b. Connecticut’s regulation of sale, purchase and transfer of possession**
18 **of all firearms, even between lawful firearm owners**

19 80. Connecticut closely regulates the sale and transfer of all firearms, even between
20 lawful firearm owners. In Connecticut, no person, firm or corporation shall sell, deliver or
21 otherwise transfer any pistol or revolver to any person who is prohibited from possessing a pistol
22 or revolver. Conn. Gen. Stat. § 29-33(a). The purchaser of a pistol or revolver must have a valid
23 permit to carry a pistol or revolver. Conn. Gen. Stat. § 29-33(b). Compliance with these
24 requirements is ensured by requiring all sales or transfers of pistols or revolvers in Connecticut

1 be made through a process established by the Connecticut Department Emergency Services and
2 Public Protection. Conn. Gen. Stat. § 29-33(c).

3 81. Similarly, Connecticut regulates the sale and transfer of long guns such as rifles
4 and shotguns. All parties to such transfers must ensure, through a process established by the
5 Connecticut Department Emergency Services and Public Protection, that the purchaser of the
6 long gun has a valid long gun eligibility certificate that has not been revoked or suspended. Conn.
7 Gen. Stat. § 29-36l(f).

8 82. Connecticut regulation also restricts how many firearms a person can sell as year
9 without becoming a federally licensed firearm dealer or obtaining a permit. Conn. Gen. Stat.
10 § 29-28.

11 83. Unlike many states, Connecticut's firearm regulations extend to the sales,
12 transfers or exchanges taking place at "gun shows." Connecticut requires that gun show sellers
13 obtain an authorization number from the Connecticut Special Licensing and Firearms Unit.
14 Conn. Gen. Stat. § 29-37g(c).

15 **c. Connecticut's prohibition on possession of a firearm by certain**
16 **persons**

17 84. Connecticut prohibits certain persons from obtaining or possessing firearms. For
18 example, persons cannot possess firearms if they have been convicted or found not guilty by
19 reason of insanity of crimes including serious felony offenses and certain crimes committed by
20 one family member against another Conn. Gen. Stat. § 53a-217. No person convicted for a
21 Felony or a Misdemeanor crime of domestic violence involving the use or threatened use of
22 physical force or a deadly weapon may possess any firearms in Connecticut. Conn. Gen. Stat.
23 § 29-36f(b); Conn. Gen. Stat. § 29-28 (b).

24 85. The types of crimes that render someone ineligible to possess a firearm in

Connecticut are wide ranging and include: 1) illegal possession of narcotics or other controlled substances; 2) criminally negligent homicide; 3) assault in the third degree ; 4) Assault of a victim 60 or older in the third degree; 5) threatening; 6) reckless endangerment in the first degree; 7) unlawful restraint in the second degree; 8) riot in the first degree; 9) riot in the second degree; 10) Inciting to riot; 11) stalking in the second degree; or 12) anyone who has been convicted as delinquent for the commission of a serious juvenile offense, or 13) anyone who has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect; 14) anyone who has been confined in a hospital for persons with psychiatric disabilities within the preceding sixty months by order of a probate court; 15) anyone who has been voluntarily admitted to a hospital for persons with psychiatric disabilities within the preceding six months for care and treatment of a psychiatric disability and not solely for alcohol or drug dependency; or 15) anyone who is subject to a firearms seizure order issued pursuant to Connecticut General Statute Section 29-38c after notice and an opportunity to be heard has been provided to such person; 16) anyone who is an alien illegally or unlawfully in the United States; 17) anyone who satisfies any of the federal disqualifiers listed in Title 18 U.S.C Chapter 44. *See* Conn. Gen. Stat. § 29-28(b); Conn. Gen. Stat. § 29-36f(b).

86. Connecticut also prohibits a person under the age of 21 years of age from obtaining a pistol or revolver. Conn. Gen. Stat. § 29-36f(a).

d. Connecticut's regulation of assault weapons and machine guns

87. Connecticut prohibits the possession of an assault weapon or any "part or combination of parts" that can be readily assembled into an assault weapon, Conn. Gen. Stat. § 53-202c unless the owner obtained a Certificate of Possession prior to January 1, 2014. Conn. Gen. Stat. § 53-202d.

88. Any Connecticut resident who owns a fully automatic weapon or machine gun is

1 required to complete a state form registering that firearm with Connecticut immediately upon
2 receiving it, and upon an annual basis. Conn. Gen. Stat. § 53-202(g).

3 89. The Government's "temporary modification" of the USML Category I to permit
4 "any United States person" to "access, discuss, use, reproduce, or otherwise benefit from" CAD
5 files for the automated production of 3-D printed weapons quite literally nullifies the State of
6 Connecticut's laws prohibiting certain categories of persons from possessing firearms.

7 90. If the "temporary modification" is left in place, the State of Connecticut stands to
8 suffer extreme and irreparable harm. Persons ineligible to possess firearms under Connecticut
9 law will easily be able to obtain downloadable guns that they can produce at home using a 3-D
10 printer. Connecticut law enforcement will have no means of detecting such weapons using
11 standard equipment such as metal detectors, and no means of tracing such weapons because they
12 have no serial numbers.

13 91. In sum, the Government's actions are an extreme infringement on the State of
14 Connecticut's sovereign right to enact and enforce its public safety laws.

15 **3. Maryland's Firearms Laws**

16 92. The State of Maryland has one of the most robust firearms regulatory regimes in
17 the country. For instance, Maryland prohibits certain categories of persons from buying or
18 possessing a firearm. This includes minors under the age of 21, and persons previously convicted
19 of certain serious crimes, including crimes of violence. Md. Code Ann., Pub. Safety § 5-133.
20 Persons who have been involuntarily committed to a mental health facility, or are under the
21 protection of a court-appointed guardian, or have been found incompetent to stand trial, or are
22 addicted to a controlled dangerous substance, or are subject to a protective order are all
23 prohibited from possessing a firearm as well. *Id.*

24 93. Sales and other transfers of firearms in Maryland are extensively regulated to

1 ensure that prohibited persons are unable to obtain a weapon. A person seeking to purchase, rent,
2 or receive a handgun must first obtain a handgun qualification license. Md. Code Ann., Pub.
3 Safety § 5-117.1. To obtain such a license, applicants must, among other things, make a sworn
4 statement that they are not prohibited under federal or State law from possessing a handgun, pass
5 a fingerprint-based background check, and complete an approved firearms safety training course.
6 *Id.* Further, a person must submit a firearm application before the person purchases, rents, or
7 transfers a handgun in Maryland. Md. Code Ann., Pub. Safety §§ 5-117, 5-118. That transaction
8 must be executed within 90 days of the application's approval and must be reported to the State
9 Police, including a description of the firearm and its serial number. Md. Code Ann., Pub. Safety
10 § 5-123. Firearm dealers are required to maintain records of every transaction, including the
11 name and address of the purchaser, a precise description, including make, model, caliber, and
12 serial number of each firearm acquired or sold, and the date of sale. Md. Code Ann., Pub. Safety
13 § 5-145. Further, persons moving to Maryland from out-of-state must register their firearms with
14 the State Police, which requires the applicant to submit information such as their name, address,
15 and Social Security number, as well as the make, model, and manufacturer's serial number of
16 the firearm. Md. Code Ann., Pub. Safety § 5-143.

17 94. Maryland also prohibits the possession of certain types of firearms. Assault
18 weapons, including assault pistols, may not be bought, possessed, sold, or transported into the
19 State. Md. Code Ann., Crim. Law § 4-303. Detachable magazines with a capacity of more than
20 ten rounds of ammunition are also prohibited from being bought, sold, or possessed. Md. Code
21 Ann., Crim. Law § 4-305.

22 95. Maryland's carefully constructed regulatory regime will be upended if the
23 Government's action is permitted to stand. Persons currently prohibited from possessing
24 firearms would be able to easily circumvent Maryland law by simply manufacturing a gun on a

1 3-D printer. The firearms thus produced will be unregistered, unmarked, and virtually
2 untraceable, directly harming Maryland's interest in a well-regulated firearms market and
3 potentially leading to an increase in violent crime.

4 **4. New Jersey's Firearms Laws**

5 96. New Jersey not only has statutes related to the purchase and possession of guns,
6 but also laws relating to who can manufacture firearms. In New Jersey, under N.J.S.A. 2C:39-9,
7 it is illegal to manufacture a weapon without being registered or licensed to do so. And N.J.S.A.
8 2C:39-10 makes it a crime to knowingly violate the regulatory provision relating to the
9 manufacturing of firearms in N.J.S.A. 2C:58-1, which provides that every manufacturer of
10 firearms shall register with the proper State authorities. Yet Defense Distributed's codes would
11 enable individuals to manufacture guns, without a license, using a 3D printer at home, no matter
12 what state law says – and indeed, founder Cody Wilson has celebrated this result.

13 97. New Jersey also has an extensive system of rules for people purchasing firearms.
14 A person must obtain a firearms purchaser identification card before purchasing, receiving, or
15 otherwise acquiring a firearm. Under N.J.S.A. 2C:58-3(c), the following people are prohibited
16 from obtaining a purchaser identification card, and thus prohibited from purchasing
17 firearms: those who have been convicted of crimes and disorderly persons offenses involving
18 acts of domestic violence (N.J.S.A. 2C:58-3(c)(1)); those who are drug dependent (N.J.S.A.
19 2C:58-3(c)(2)); those who are confined for mental disorders to hospitals, mental institutions or
20 sanitariums (N.J.S.A. 2C:58-3(c)(2)); those who suffer from a physical defect or disease that
21 would make it unsafe for him to handle firearms (N.J.S.A. 2C:58-3(c)(3)); those who have been
22 confined for a mental disorder (N.J.S.A. 2C:58-3(c)(3)); those who are alcoholics and are unable
23 to produce proof demonstrating that they no longer suffer from that particular disability in a
24 manner that would interfere with or handicap them in the handling of firearms (N.J.S.A.

2C:58-3(c)(3)); juveniles (N.J.S.A. 2C:58-3(c)(4)); those for whom the issuance of a permit to purchase a handgun or firearms purchaser identification card would not be in the interests of the public health, safety, or welfare (N.J.S.A. 2C:58-3(c)(5)); those who are subject to restraining orders issued pursuant to the “Prevention of Domestic Violence Act” prohibiting them from possessing firearms (N.J.S.A. 2C:58-3(c)(6)); those who were adjudicated delinquent for offenses which, if committed by an adult, would constitute a crime involving the unlawful use or possession of weapons, explosives, or destructive devices (N.J.S.A. 2C:58-3(c)(7)); those who had a firearm seized pursuant to the Prevention of Domestic Violence Act (N.J.S.A. 2C:58-3(c)(8)); and those who are named on the consolidated Terroristic Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation (N.J.S.A. 2C:58-3(c)(9)). And New Jersey bans all assault weapons. N.J.S.A. 2C:39-5(f).

98. Finally, New Jersey law prohibits “certain persons” from purchasing, owning, possessing, or controlling any and all firearms under N.J.S.A. 2C:39-7(b), due to their prior convictions for aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation, endangering the welfare of a child, stalking, or a crime involving domestic violence. Those persons face a mandatory term of imprisonment with at least five years of parole ineligibility if they purchase, own, possess, or control a firearm. N.J.S.A. 2C:39-7(b).

5. New York’s Firearms Laws

99. For over a century, in order to promote public safety, New York law has regulated the possession and use of guns and has prohibited certain persons from obtaining or possessing firearms. *See* NY Penal Law §§ 265.00, 265.01, 265.20(a)(3), 400.00; *Kachalsky v. Cty. of Westchester*, 701 F.3d 81, 84 (2012), cert. denied, 133 S. Ct. 1806 (2013). For example, New York licenses the possession of “firearms,” which are defined, as a general matter, as any

1 pistol or revolver; a shotgun having one or more barrels less than eighteen inches in length; a
 2 rifle having one or more barrels less than sixteen inches in length; and any assault weapon.
 3 See NY Penal Law §§ 265.01, 265.20(a)(3), 400.00. These measures remain the law today.

4 100. Licenses are limited “to those over twenty-one years of age, of good moral
 5 character, without a history of crime or mental illness, and ‘concerning whom no good cause
 6 exists for the denial of the license.’ ” *Kachalsky v. County of Westchester*, 701 F.3d 81, 86
 7 (quoting PL § 400.00(1).); NY Penal Law §§ 265.00, 265.01, 265.20(a)(3), 400.00. Persons
 8 subject to a variety of protection orders are also prohibited from maintaining licenses. NY Penal
 9 Law § 400.00(1); NY Criminal Procedure Law § 530.14; Family Court Act §842-a.

10 101. Every license application triggers an investigation into the applicant by local law
 11 enforcement, including an investigation into the applicant’s mental health history.
 12 PL § 400.00(4); *Kachalsky*, 701 F.3d at 87. Firearms subject to licensure must be disclosed to
 13 and registered with licensing officials. N.Y. Penal Law § 400.00(7) (mandating that each license
 14 “specify the weapon covered by calibre, make, model, manufacturer's name and serial number,
 15 or if none, by any other distinguishing number or identification mark . . .”).

16 102. New York has also enacted specific criminal prohibitions on the possession of
 17 rifles and shotguns by certain mentally ill individuals. PL §§ 265.01(6), 265.00(16). Penal Law
 18 § 265.01(6), enacted in 1974, provides that “a person who has been certified not suitable to
 19 possess a rifle or shotgun . . . and refuses to yield possession of such rifle or shotgun upon the
 20 demand of a police officer” is guilty of criminal possession of a weapon in the fourth degree. *Id.*
 21 § 265.01(6). Law enforcement is authorized to take firearms “possessed by such person.”

22 103. New York’s Secure Ammunition and Firearms Enforcement Act of 2013 (SAFE
 23 Act) generally restricts the transfer and possession of “assault weapons”—defined, as a general
 24 matter, as rifles, shotguns, and pistols that are (1) semiautomatic, (2) in the case of a pistol or

1 rifle, able to accept a detachable ammunition magazine, and (3) equipped with at least one feature
 2 on an enumerated list of military style features. Penal Law § 265.00(22).[1] Possession of a
 3 prohibited assault weapon constitutes the Class D felony of Criminal Possession of a Weapon in
 4 the Third Degree. *Id.* § 265.02(7)-(8)⁹.

5 104. The Government's "temporary modification" of the USML Category I to permit
 6 "any United States person" to "access, discuss, use, reproduce, or otherwise benefit from" CAD
 7 files for the automated production of 3-D printed weapons quite literally nullifies the New
 8 York's laws prohibiting certain categories of persons from possessing firearms. If the "temporary
 9 modification" is left in place, the New York stands to suffer extreme and irreparable
 10 harm. Persons ineligible to possess firearms under New York law will easily be able to obtain
 11 downloadable guns that they can produce at home using a 3-D printer. New York law
 12 enforcement will have no means of detecting such weapons using standard equipment such as
 13 metal detectors, and no means of tracing such weapons because they have no serial numbers.

14 **6. Oregon's Firearms Laws**

15 105. Oregon law also limits the availability and manufacture of firearms to protect the
 16 public safety and in the exercise of its police powers. Or. Rev. St. 166.170(1) provides: "[e]xcept
 17 as expressly authorized by state statute, the authority to regulate in any matter whatsoever the
 18 sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or
 19 any element relating to firearms and components thereof, including ammunition, is vested solely
 20 in the Legislative Assembly." Under this authority, the Oregon Legislature enacted Or. Rev. St.
 21 166.410, which states that "[a]ny person who manufactures or causes to be manufactured within

22 _____
 23 ⁹ The Act does not prohibit possession of any firearm that was lawfully possessed before the law's effective date
 24 of January 15, 2013. See Penal Law § 265.00(22)(g)(v). Persons who lawfully possessed a banned assault weapon
 at that time may continue to do so, but must register the weapon with the Superintendent of the State Police. *Id.* §
 400.00(16-a).]

1 this state, or who imports into this state, or offers, exposes for sale, or sells or transfers a handgun,
2 short-barreled rifle, short-barreled shotgun, firearms silencer or machine gun, otherwise than in
3 accordance with [the Oregon statutes] is guilty of a Class B felony.”

4 106. Thus, Oregon law prohibits certain persons from obtaining or possessing
5 firearms. For example, Oregon law prohibits certain felons, certain individuals under the
6 jurisdiction of juvenile court, certain individuals with will mental illnesses and certain persons
7 subject to stalking orders from possession firearms. Or. Rev. St. 166.250; Or. Rev. St. 166.255.
8 Under Or. Rev. St. 166.470(1), it is unlawful to knowingly and intentionally sell, deliver or
9 otherwise transfer a firearm to such persons.

10 107. Oregon law also has set up an extensive system of rules to ensure unauthorized
11 persons cannot buy firearms. For example, with certain exceptions (for example, transfers to
12 family members), only a gun dealer may transfer a firearm. Or. Rev. St. 166.435(2). A person
13 who applies to buy a handgun from a dealer must provide valid government identification
14 bearing a photograph and date of birth, and the dealer must complete a transaction record with
15 the signature of the purchaser. This transaction record much include the federal firearms license
16 number of the dealer, the business name of the dealer, the place of transfer, the name of the
17 person making the transfer, the make, model, caliber and manufacturer’s number of the handgun
18 and the type, the social security number of the purchaser, and the issuer and identification
19 number of the identification presented by the purchaser. The dealer must also obtain the
20 thumbprints of the prospective purchaser and contact the Department of State Police
21 (“Department”) to conduct a criminal background check. Or. Rev. St. 166.412; Or. Rev. St.
22 166.418.

23 108. Oregon law also requires a request for a criminal background check to transfer a
24 gun at a gun show. Or. Rev. St. 166.433(2); Or. Rev. St. 166.438.

1 **7. Massachusetts' Firearms Laws**

2 109. Massachusetts carefully regulates the possession, licensing, and use of firearms
3 and other inherently dangerous weapons. Among the goals of these laws is limiting access to
4 deadly weapons by persons who may inflict harm – be it negligently or intentionally – on
5 themselves or others. These laws also recognize that criminal use of firearms is a significant
6 problem, that guns should be registered and traceable in the event of theft or criminal misuse,
7 and that possession of firearms should be limited to responsible persons who meet all
8 requirements for licensure. *See, e.g., Commonwealth v. Reyes*, 464 Mass. 245, 250 (2013); *Jupin*
9 *v. Kask*, 447 Mass. 141, 153-154 (2006)

10 110. Under Massachusetts law,¹⁰ a person may not possess or carry a firearm without
11 obtaining a license from the appropriate licensing authority. Persons may not obtain a license to
12 carry a firearm if they: (1) have committed certain offenses, including violent crimes and laws
13 regulating the use, possession, or sale of a controlled substance; (2) have been committed to a
14 hospital or institution for mental illness, or alcohol or substance misuse, subject to limited
15 exceptions; (3) were younger than 21 years old at the time of submitting an application; (4) are
16 currently subject to an order for suspension or surrender of firearms in connection with an abuse
17 prevention order; (5) have an outstanding arrest warrant in any state or federal jurisdiction; (7)
18 have been dishonorably discharged from the armed forces of the United States; (8) are a fugitive
19 from justice; or (9) have renounced their United States citizenship. M.G.L. c. 140, § 131(d).

20 111. A licensing authority also may deny a person a license to carry firearms if the
21 licensing authority determines that the person is unsuitable for a license based on: (i) reliable
22

23 ¹⁰ The Massachusetts-specific allegations contained herein constitute a summary of some of the
24 most relevant provisions of Massachusetts law. It is not an exhaustive or complete list of all relevant
statutes, regulations, or other provisions.

1 and credible information that the applicant or licensee has exhibited or engaged in behavior that
2 suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or
3 (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a
4 risk to public safety. M.G.L. c. 140, § 131(d).

5 112. Anyone who wishes to sell, rent, or lease firearms must apply for and obtain a
6 license. Such licenses are valid for three years. No license may issue until an investigation into
7 the applicant's criminal history has been completed. A licensee must record all sales of firearms
8 to include a complete description of the firearm (including the make and type of firearm) and the
9 person purchasing the firearm (including the person's sex, residence, and occupation). The police
10 may inspect the premises of a licensee at all times. M.G.L. c. 140, §§ 122-124. Reports of all
11 transactions must be made by licensees to Massachusetts's Department of Criminal Justice
12 Information Services with information that includes the make, model, serial number, caliber,
13 barrel length, and gun surface finish. 803 C.M.R. 10.00.

14 113. It is unlawful to manufacture a firearm in Massachusetts or to deliver a firearm
15 to a dealer in Massachusetts without a serial number permanently inscribed on a visible metal
16 surface of the firearm. M.G.L. 269, § 11E.

17 114. Anyone who purchases or obtains a firearm from any source other than a licensed
18 dealer must, within seven days of receiving the firearm, report in writing to the Commissioner
19 of the Massachusetts Department of Criminal Justice Information Services the name and address
20 of the seller or donor and the buyer or donee, together with a complete description of the firearm,
21 including the caliber, make, and serial number. M.G.L. c. 140, § 128B.

22 115. Only handguns that meet the safety and performance standards expressed in state
23 law and regulations, including protection against accidental discharge and explosion upon firing,
24 may be sold. M.G.L. c. 140D, § 123, clauses 18 to 20. The Secretary of the Massachusetts

1 Executive Office of Public Safety and Security has compiled an approved firearms roster,
2 pursuant to M.G.L. 140, § 131-3/4 and 501 C.M.R. 7.00.

3 116. It is unlawful to sell, offer for sale, transfer, or possess any weapon, capable of
4 discharging a bullet or shot, that is not detectable as a weapon or potential weapon by x-ray
5 machines commonly used at airports or walk-through metal detectors. M.G.L. c. 140, § 131N.

6 117. The sale, transfer, or possession of an "Assault weapon," as defined in M.G.L. c.
7 140, § 121, is prohibited. M.G.L. c. 140, § 131M.

8 118. All firearms that are used in the commission of a crime must be traced by the
9 licensing authority for the city or town in which the crime took place. M.G.L. c. 140, § 131Q.

10 **8. Pennsylvania's Firearms Laws**

11 119. Pennsylvania, like the other states, also has a robust system of state firearms laws
12 designed to keep the public safe and that would be undermined if the Government's action is
13 allowed to stand. Section 6105 of the Pennsylvania's Firearms Act mandates that any person
14 who has been convicted of certain enumerated offenses inside or outside of Pennsylvania
15 "regardless of the length of sentence" or whose conduct meets certain specified criteria "shall
16 not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control,
17 sell, transfer or manufacture a firearm in this Commonwealth." 18 Pa. C.S. § 6105(a). The
18 definition of "firearm" in section 6105 "shall include" any weapons which are "designed to or
19 may readily be converted to" expel any projectile by the action of an explosive or the frame or
20 receiver of any such weapon. 18 Pa. C.S. § 6105(i). The "downloadable guns" that Defense
21 Distributed promises to make available constitutes a "firearm" under this section of the Firearms
22 Act because it is a weapon that is designed and, by 3D printing, "may readily be converted to"
23 expel bullets by an explosive. *Id.* Depending on the underlying offense or criteria, violation of
24 section 6105, by individuals who shall not possess, use, control, sell, transfer or manufacture the

1 Defendants' firearm in the Commonwealth is a second degree felony or first or third degree
2 misdemeanor. 18 Pa. C.S. § 6105(a)(1). Each firearm wrongly possessed by a felon constitutes
3 a separate offense.

4 120. By law, the State Police "shall have the responsibility to administer the provisions
5 of" Pennsylvania's Uniform Firearms Act, and are assigned certain specific duties thereunder.
6 18 Pa. C.S. § 6111.1.(a), (b). Among these duties, the State Police must: (1) review criminal
7 histories, delinquency histories, and mental health histories of potential firearms' purchasers or
8 transferees; make all reasonable efforts to identify the legal owner of any firearm confiscated or
9 recovered by law enforcement; (3) establish a telephone number for inquires by licensed firearms
10 manufacturer, importers, and dealers; and (4) provide information regarding the firearms laws
11 and firearms safety. 18 Pa. C.S. § 6111.1

12 121. Section 6106 of the Firearms Act mandates, with limited exceptions, that, outside
13 of one's home or "fixed place of business," firearms may not be carried in the Commonwealth
14 "without a valid and lawfully issued license." 18 Pa. C.S. § 6106(a). Violation of this section
15 constitutes a third degree felony unless the unlawful carrier of the firearm is "eligible" to have a
16 valid license, in which case the violation is a first degree misdemeanor. *Id.*

17 122. Under section 6109 of the Firearms Act, a "license to carry a firearm" is required
18 to carry a concealed firearm "on or about one's person or in a vehicle throughout this
19 Commonwealth." 18 Pa. C.S. § 6109(a). In order to apply for a concealed carry license, you
20 must be "21 years of age or older" and the application itself must be "uniform throughout this
21 Commonwealth" and only "on a form prescribed by the Pennsylvania State Police." 18 Pa. C.S.
22 § 6109(b),(c). In filling out the application, the licensee must identify one of the following
23 reasons for applying for a firearm license: "self-defense, employment, hunting and fishing, target
24 shooting, gun collecting or another proper reason." 18 Pa. C.S. § 6109(c).

1 123. Applicants must also sign and date the following statement under penalty of
2 perjury, certifying that they have “never been convicted of a crime that prohibits [them] from
3 possessing or acquiring a firearm under Federal or State law,” are “of sound mind,” and “have
4 never been committed to a mental institution.” *Id.* Applicants must also authorize the relevant
5 law enforcement officials to research all records necessary to verify the certification and promise
6 to “promptly notify” them if they are issued a license but later “knowingly become ineligible to
7 legally possess or acquire firearms.” *Id.*

8 124. Then, before a license is issued, the sheriff must “conduct [an] investigation” of
9 the applicant including an investigation of the applicant’s “record of criminal conviction,”
10 whether or not the applicant “is under indictment for or has ever been convicted of a crime
11 punishable by imprisonment exceeding one year,” and has a “character and reputation” such that
12 the applicant “will not be likely to act in a manner dangerous to public safety.” 18 Pa. C.S. §
13 6109(d). The sheriff must also “conduct a criminal background, juvenile delinquency and
14 mental health check.” *Id.*

15 125. As can be seen, these various requirements and background checks serve to keep
16 Pennsylvanians safe by keeping guns out of the hands of those who should not have access to
17 them. This system, however, will be effectively nullified if those ineligible to buy or possess
18 firearms can avoid the legal prerequisites for lawful possession by simply printing an untraceable
19 gun at home or elsewhere.

20 **9. District of Columbia’s Firearms Laws**

21 126. The District of Columbia, like the States, has a comprehensive statutory scheme
22 regulating the possession, licensing, and registration of firearms. Certain types of weapons are
23 prohibited entirely.
24

1 127. District of Columbia law prohibits certain persons from registering firearms.¹¹
2 For example, persons cannot register firearms if they have been acquitted by reason of insanity
3 within the last five years, or have been voluntarily or involuntarily committed to a mental
4 hospital or institution in that time. D.C. Code § 7-2502.03. Other persons prohibited from
5 registering firearms include persons convicted of a felony, persons with a history of violent
6 behavior, under indictment for a crime of violence or a weapons offense, or convicted within the
7 previous five years of: (a) use, possession, or sale of any narcotic or dangerous drug; (b) assault
8 or threats; (c) two or more impaired driving offenses; (d) intrafamily offenses punishable as
9 misdemeanors; or (e) stalking. D.C. Code § 7-2502.03(a)(2)–(4).

10 128. The District of Columbia also prohibits the registration of certain types of
11 firearms, including “unsafe” pistols, assault weapons, and .50 caliber firearms. D.C. Code §§ 7-
12 2502.02, 7-2501.01(3A)(A) (defining “assault weapon”).

13 129. One of the cornerstones of the District of Columbia’s firearms regulatory
14 structure is the use of background checks. All persons seeking to register a firearm (or obtain a
15 license to carry concealed) are subject to background checks. D.C. Code § 7-2502.04(a); § 22-
16 4506. The purpose of the background check is simple and obvious: to ensure that persons
17 prohibited by law from possessing firearms are unable to do so.

18 130. The Government’s “temporary modification” of the USML Category I to permit
19 “any United States person” to “access, discuss, use, reproduce, or otherwise benefit from” CAD
20 files for the automated production of 3-D printed weapons quite literally nullifies the District of
21 Columbia’s laws prohibiting certain categories of persons from possessing firearms.

22
23 ¹¹ Registration is a prerequisite to firearm possession and carrying in the District of Columbia. D.C. Code
24 § 7-2502.01(a). *See also* D.C. Code § 22-4504 (license required to carry firearm within the District “either openly
or concealed”).

131. If the “temporary modification” is left in place, the District of Columbia stands to suffer extreme and irreparable harm. Persons ineligible to possess firearms under District of Columbia law will easily be able to obtain downloadable guns that they can produce at home using a 3-D printer, and even produce guns which are explicitly prohibited in the District because they are assault weapons such as the AR-15. See D.C. Code Sec. 7-2501.01(3A)(A) (defining assault weapons). District of Columbia law enforcement will have no means of detecting such weapons using standard equipment such as metal detectors, and no means of tracing such weapons because they have no serial numbers. In sum, the Government’s actions are an extreme infringement on the District of Columbia’s right to enact and enforce its public safety laws.

V. CAUSES OF ACTION

Count I:

Violation of the Administrative Procedure Act—*Ultra Vires* Conduct

132. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

133. Under the Administrative Procedure Act (APA), a court must set “aside agency action that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

134. The Government Defendants’ enactment of a “temporary modification” of the USML Category I so as to deregulate CAD files used for the production of 3-D printed guns constitutes a final agency action that is *ultra vires* and should be set aside by the Court. Likewise, Defendants approval of the CAD files for public release and effective removal from USML Category I constitutes a final agency action that is *ultra vires* and should be set aside by the Court.

1 135. The Government Defendants may only exercise the authority conferred to them
2 by statute. Neither the AECA nor ITAR confer upon the Government Defendants the power to
3 modify the USML Category I, temporarily or otherwise, without 30 days' notice to the relevant
4 Congressional committees and without concurrence of the Defense Department.

5 136. Upon information and belief, the Government Defendants did not provide
6 advance notice of the proposed temporary modification to the House Committee on Foreign
7 Affairs and to the Committee on Foreign Relations of the Senate, and did not receive the
8 concurrence of the Secretary of Defense, before enacting the modification on July 27, 2018.

9 137. According to Rep. Engel, Ranking Member of the House Committee on Foreign
10 Affairs, notice of the terms of the settlement has not been provided by the President or the State
11 Department. *See* "Engel Decries State Department Policy to Allow 3-D Gun Printing," Press
12 Release (July 20, 2018), *available at* [https://democrats-foreignaffairs.house.gov/news/press-](https://democrats-foreignaffairs.house.gov/news/press-releases/engel-decries-state-department-policy-allow-3-d-gun-printing)
13 [releases/engel-decries-state-department-policy-allow-3-d-gun-printing](https://democrats-foreignaffairs.house.gov/news/press-releases/engel-decries-state-department-policy-allow-3-d-gun-printing), attached hereto as Ex. 8.

14 138. The Government Defendants also lack statutory authority to determine that the
15 Plaintiffs' CAD files should be removed from the Category I list and approval of the CAD files
16 for public release without following the "established procedures" for commodity jurisdiction.
17 This is especially relevant here because, in effect, the "temporary modifications" and approval
18 for public release at issue will negate—in large part—the need for final rulemaking with respect
19 to the data at issue, because once the data is on the internet, the damage to the national security
20 and public safety in the State of Washington will be irreparable.

21 139. In addition, although ITAR allows the Deputy Assistant Secretary for Defense
22 Trade Controls to order the temporary modification of any ITAR regulation, it may do so only
23 "in the interest of the security and foreign policy of the United States." 22 C.F.R. § 126.2.
24

1 140. The temporary modification enacted by DDTC on July 27, 2018 and the approval
2 of the CAD files for public release sent the same day are not in the interest of the security and
3 foreign policy of the United States, and, upon information and belief, Government Defendants
4 have made no determination otherwise.

5 141. In addition, Government Defendants lack statutory authority to permit “any
6 United States person” to “access, discuss, use, reproduce, or otherwise benefit” from CAD files
7 for the automated production of 3-D printed weapons, as this would allow “any United States
8 person” to manufacture, possess, and sell firearms made from the files. As such, this provision
9 would violate numerous provisions of Washington’s statutory scheme regulating firearms,
10 including laws that promote public safety by keeping guns out of the hands of minors, persons
11 convicted of violent felonies, the mentally ill, and persons subject to various protection and no-
12 contact orders. For similar reasons, this provision would also violate numerous provisions of
13 the federal Gun Control Act, including 18 U.S.C. § 922(x)(2) (prohibiting handgun possession
14 by minors), § 922(g) (prohibiting firearm possession by felons and domestic abusers), and §
15 922(p) (prohibiting the manufacture of undetectable firearms). Government Defendants lack
16 any authority to amend, rescind, or waive any portion of these laws.

17 142. For these reasons, the State of Washington is entitled to a declaration that the
18 “temporary modification” is invalid, and an injunction requiring Government Defendants to
19 rescind the temporary modification and restore the status quo until a proper administrative
20 process is completed.

21
22 **Count II:**
23 **Violation of the Administrative Procedure Act—Action Not in Accordance with Law**

24 143. All of the foregoing allegations are repeated and realleged as though fully set

1 forth herein.

2 144. Under the APA, a court must set aside agency action that is “not in accordance
3 with law.” 5 U.S.C. § 706(2)(A).

4 145. As alleged above, upon information and belief, Government Defendants did not
5 give 30 days’ notice to the required Congressional Committees or receive concurrence from the
6 Secretary of Defense before enacting the “temporary modification” of USML Category I to
7 remove the CAD files at issue from ITAR regulation on July 27, 2018 as well as the approval of
8 the CAD files for public release on the same day.

9 146. Upon information and belief, Government Defendants also did not follow
10 established procedures before granting Defense Distributed an exception to ITAR jurisdiction.

11 147. Furthermore, it is unlawful for Government Defendants to permit “any United
12 States person” to “access, discuss, use, reproduce, or otherwise benefit from” CAD files for the
13 automated production of 3-D printed weapons, as this purports to allow prohibited individuals
14 to possess, manufacture, and sell firearms made using such files, in violation of existing state
15 and federal law.

16 148. For these reasons, the State of Washington is entitled to a declaration that the
17 “temporary modification” is invalid, and an injunction requiring Government Defendants to
18 rescind the temporary modification and restore the status quo until a proper administrative
19 process is completed.

20
21 **Count III:**
22 **Violation of the Administrative Procedure Act—Arbitrary and Capricious Agency**
23 **Action**

24 149. All of the foregoing allegations are repeated and realleged as though fully set

1 forth herein.

2 150. Under the APA, a court must set “aside agency action” that is “arbitrary,
3 capricious, an abuse of discretion, or otherwise not in accordance with the law,” 5 U.S.C. §
4 706(2)(A).

5 151. A court may hold that an agency action is arbitrary and capricious when the
6 agency has failed to consider relevant evidence or articulate a satisfactory explanation for its
7 action. An agency’s departure from prior practice can serve as an additional basis for finding an
8 agency’s action to be arbitrary and capricious.

9 152. Upon information and belief, Government Defendants have provided no
10 explanation for the Government’s complete reversal of its position on the CAD files at issue.
11 The Government has released no reports, studies, or analyses to explain why CAD files for the
12 automated production of 3-D printed weapons should be removed from ITAR regulation or that
13 the files should be publically released. It appears that Government Defendants have also failed
14 to consider or acknowledge the serious national security concerns or the threat to public safety
15 posed to states, including the Plaintiff States, created by the export of the CAD files.

16 153. Government Defendants’ enactment of a “temporary modification” to exclude the
17 CAD files at issue from ITAR jurisdiction, the approval of the CAD files for public release, and
18 the agreement to permit “any United States person” to “access, discuss, use, reproduce, or
19 otherwise benefit from” the CAD files is arbitrary and capricious because the Government has
20 not offered a reasoned explanation for ignoring or countermanding its earlier factual
21 determinations. It is also arbitrary and capricious because it is contrary to the purposes of AECA,
22 which requires the State Department to administer AECA to reduce the international trade in
23 arms and avoid destabilizing effects abroad through arms export. *See* 22 U.S.C. § 2751. It is also
24

1 arbitrary and capricious because it is an extreme infringement of the Plaintiff States' sovereign
2 right to exercise its police power by enacting and enforcing public safety laws that restrict certain
3 persons' possession of firearms and provide for licensing and tracking gun ownership.

4 154. For these reasons, the Plaintiff States are entitled to a declaration that the
5 "temporary modification" is invalid, and an injunction requiring Government Defendants to
6 rescind the temporary modification and restore the status quo until a proper administrative
7 process is completed.

8
9 **Count IV:**
Violation of the Tenth Amendment

10 155. All of the foregoing allegations are repeated and realleged as though fully set
11 forth herein.

12 156. The structure and limitations of federalism allow the States great latitude under
13 their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet
14 of all persons. The police power is a critical function reserved to the States by the Tenth
15 Amendment.

16 157. While the regulation of health and safety is primarily and historically a matter of
17 State and local concern, the Federal Government can set uniform national standards in these
18 areas—but only if Congress makes its intent to alter the usual constitutional balance between the
19 States and the Federal Government "unmistakably clear" in the language of the statute.

20 158. Government Defendants' enactment of a "temporary modification" to the USML
21 permitting "any United States person" to "access, discuss, use, reproduce, or otherwise benefit
22 from" CAD files for the automated production of 3-D printed weapons and the approval of the
23 CAD files for public release purports to allow any U.S. citizen to manufacture and use an
24

1 undetectable and untraceable weapon—regardless of their age, mental health status, or criminal
2 history—in violation of Washington’s public safety laws.

3 159. Government Defendants’ action infringes on the Plaintiff States’ exercise of its
4 police power and enforcement of its safety laws, including (i) prohibiting certain United States
5 persons from possessing firearms—such as minors, persons convicted of violent felonies, the
6 mentally ill, and persons subject to various protection and no-contact orders; (ii) regulating the
7 acquisition and tracking the ownership of firearms; (iii) using serial numbers to trace weapons;
8 and (iv) keeping government buildings and other public places safe through the use of metal
9 detectors.

10 160. Government Defendants were not authorized by Congress to infringe upon the
11 Plaintiff States’ police power to this extreme degree, which is well outside the scope of any
12 authority delegated by AECA. Indeed, Government Defendants failed even to follow the
13 required administrative procedures before enacting the temporary modification, including
14 providing Congress with 30 days’ notice and obtaining the Secretary of Defense’s concurrence.
15 Rather, Government Defendants enacted the temporary modification unilaterally on July 27,
16 2018, completely reversing the Government’s previous position as to the CAD files at issue
17 while sidestepping Congressional review and flouting APA requirements.

18 161. As such, the State of Washington is entitled to a declaration that the “temporary
19 modification” is an unconstitutional violation of the Tenth Amendment, and an injunction
20 requiring Government Defendants to rescind the temporary modification and restore the status
21 quo until a proper administrative process is completed.
22
23
24

1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, the State of Washington requests that the Court enter a judgment against
3 Defendants and award the following relief:

4 a. Declare that the “temporary modification” of the USML Category I and
5 the approval of the CAD files for public release are unlawful and *ultra vires* agency
6 action, including to the extent it purports to permit “any United States person” to “use,
7 reproduce or otherwise benefit from” the files at issue in violation of state and federal
8 law;

9 b. Declare that the “temporary modification” of the USML Category I and
10 approval of the CAD files for public release are an unconstitutional violation of the Tenth
11 Amendment;

12 c. Declare that the “temporary modification” of the USML Category I and
13 approval of the CAD files for public release are null and void;

14 d. Issue an injunction requiring Defendants to rescind the “temporary
15 modification” of the USML Category I and to rescind the approval of the CAD files for
16 public release;

17 e. Issue an injunction prohibiting Defendants and anyone acting in concert
18 with them from taking any action inconsistent with the rescission of the “temporary
19 modification” of the USML Category I and the rescission of the approval of the CAD
20 files for public release;

21 f. Award the State its costs and reasonable attorneys’ fees; and

22 g. Award such additional relief as the interests of justice may require.

23 Respectfully submitted this 30th day of July, 2018.
24

ROBERT W. FERGUSON
Attorney General

/s/ Jeffrey Rupert

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Division Chief

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Deputy Attorney General

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JeffS2@atg.wa.gov

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Attorney General of Maryland

/s/ Julia Doyle Bernhardt

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2 Attorney General of Commonwealth of
3 Pennsylvania

4 /s/ Josh Shapiro

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7 Office of the Attorney General
8 Strawberry Square, 16th Floor
9 Harrisburg, PA 17120
10 (717) 787-3391
11 *Attorneys for Plaintiff Commonwealth of*
12 *Pennsylvania*

13 KARL A. RACINE
14 Attorney General for the District of Columbia

15 /s/ Robyn Bender

16 ROBYN BENDER
17 Deputy Attorney General
18 Public Advocacy Division
19 JIMMY ROCK
20 Assistant Deputy Attorney General
21 Public Advocacy Division
22 *Attorneys for Plaintiff District of Columbia*

23 ***Pro Hac Vice* motions forthcoming for all**
24 **counsel of record not barred in the Western**
District of Washington

DECLARATION OF SERVICE

I hereby certify that on July 30, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve a copy of this document upon all counsel of record.

DATED this 30th day of July, 2018, at Olympia, Washington.

/s/ Jeffrey Rupert
Assistant Attorney General

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney General of
the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-C-131-18

Civil Action

CERTIFICATION OF SERVICE

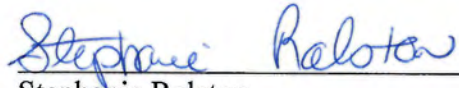
The undersigned hereby certifies that with respect to the above-captioned matter,
the undersigned caused:

1. to be sent on the 31st day of July, 2018, via hand delivery for filing, to the Superior Court of New Jersey, Chancery Division, Essex County, 212 Washington Street, Newark, New Jersey 07101, an original and two (2) copies of the following documents:
 - A. Notice of Cross Motion for Stay
 - B. Letter Brief in opposition to Application for Temporary Restraints and in Support of Cross-Motion for Stay;
 - C. Certification of Josh Blackman;
 - D. within Certification of Service.
2. to be served email on the 31st day of July, 2018, one copy of the aforementioned documents on the following person:

Lorraine Rak, Esq.
Office of Attorney General
124 Halsey Street
Newark, NJ 07101
Attorneys for Plaintiff

I hereby certify that the foregoing statements are true. I understand that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

July 31, 2018


Stephanie Ralston

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney General of
the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-C-131-18

Civil Action

**ORDER DENYING
TEMPORARY RESTRAINTS
AND GRANTING STAY**

THIS MATTER having been opened to the Court by Plaintiff seeking an Order to Show Cause with Temporary Restraints; and Hartman & Winnicki, P.C., counsel for Defendants Defense Distributed and Cody R. Wilson, having cross-moved for a stay; and the Court having considered the submissions and arguments of counsel; and good cause having been shown;

IT IS on this ___ day of July, 2018, **ORDERED** as follows:

1. Plaintiff's application for temporary restraints is denied.
2. The cross-motion of Defendants Defense Distributed and Cody R. Wilson is granted.
3. This matter is stayed pending further order of the Court.
4. Defendants' counsel shall serve a copy of this Order upon all counsel of

record within seven (7) days of its receipt of same.

Hon. Walter Koprowski, Jr. P.J. Ch.

This Motion was:

_____ Opposed

_____ Unopposed

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiff

By: Lorraine K. Rak (035771985)
Deputy Attorney General, Section Chief
Lara J. Fogel (038292006)
Melissa Medoway (028422011)
Jesse J. Sierant (049342013)
Deputy Attorneys General
Affirmative Civil Enforcement
(973) 877-1280

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. ESX-C-131-18

GURBIR S. GREWAL, Attorney General
of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, and JANE and JOHN DOES 1-
20, individually and as owners,
officers, directors, shareholders,
founders, members, managers,
agents, servants, employees,
representatives and/or independent
contractors of DEFENSE
DISTRIBUTED, and XYZ CORPORATIONS
1-20,

Defendants.

Civil Action

CERTIFICATION OF
INVESTIGATOR
AZIZA SALIKHOVA

I, Aziza Salikhova, of full age, certify as follows:

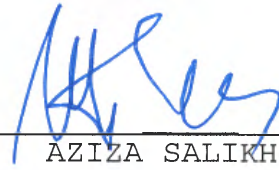
1. I make this Certification based upon my personal
knowledge and review of documents in my possession.

2. I am currently employed as an Investigator with the New Jersey Division of Consumer Affairs ("Division"), Office of Consumer Protection. I have held this position since approximately March 10, 2001.

3. In that capacity, I am responsible for investigating possible violations of New Jersey laws and regulations.

4. On July 31, 2018, I reviewed recent portions of Cody Wilson's Twitter feed. That feed reflects that individuals are already making plans to overcome any restrictions blocking access to the printable-gun code in New Jersey. (Exhibit A, Printout of Cody R. Wilson's (@Rodomysisky) Twitter Feed). For example, @vxbinaca commented "I'm about to twist @NJGov arm behind it's (sic) back until it screams 'uncle' because I'm going to start putting up DEFCAD items as Archive.org items (sic). Let's see them block IA quietly." (Id. at 9.) @1_1_2029 posted "Who wants to go to Jersey with a few hundred thumb drives?" (Id. at 26.) And @ankushnarula posted "For those of you on iOS devices who don't have a VPN, checkout (sic) the Red Browser tor browser which bypasses NJ's garbage draconian censorship[.]" (Id. at 3.)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in blue ink, appearing to read 'Aziza Salikhoval', is positioned above a horizontal line.

AZIZA SALIKHOVA

Dated: July 31, 2018
Newark, New Jersey

Cody R. Wilson
@Radomysisky

Follow

Yes, DEFCAD has been blocked in New Jersey.

7:44 AM - 29 Jul 2018

99 Retweets 261 Likes



63

99

261



Andrew LeCody @AndrewLeCody Jul 29

Replying to @Radomysisky

Sounds like NJ is going to be funding DEFDIST once @Radomysisky wins a new lawsuit against them, I hope you get awarded damages in the millions

37



BryanEarl.com Web Design and SEO Services @AZWebDesigns Jul 29

Replying to @Radomysisky

That is so messed up. Orwellian censorship at its finest!

3

20



Executive Sensei @executive_snsei Jul 29

Replying to @Radomysisky

Armpit of America.

1

4



Bitcoin - "TINA" (There is no Alternative) @Valustks1 Jul 29

Too high up on the body.

3



Alan Siefert @alan8325 Jul 29

Replying to @Radomysisky

I wonder if they are going to seek guidance and technical instruction from China on how to build a more sophisticated firewall.

1

10



Calin Brabandt @BooBomBoo 23h



Haha! Yes--a VPN is your friend!

1



thehyphed @thehyphed 21h

Replying to @Radomysisky

You blocked it?

"Cody Wilson announced via twitter today that his Defcad website is currently not accessible in New Jersey. This is at this point his own choice, given the legal threat he faces, a threat he hopes to eliminate with this lawsuit."

1

2

5



thehyphed @thehyphed 21h

If you blocked it, your original tweet is misleading.

1

3

- 2 more replies



Michael @Its_Michael9 Jul 29

Replying to @Radomysisky

Doesn't China pull the same nonsense? A good majority of the their citizens use VPNs because of that.

5



thehyphed @thehyphed 24h

Replying to @Radomysisky

How?

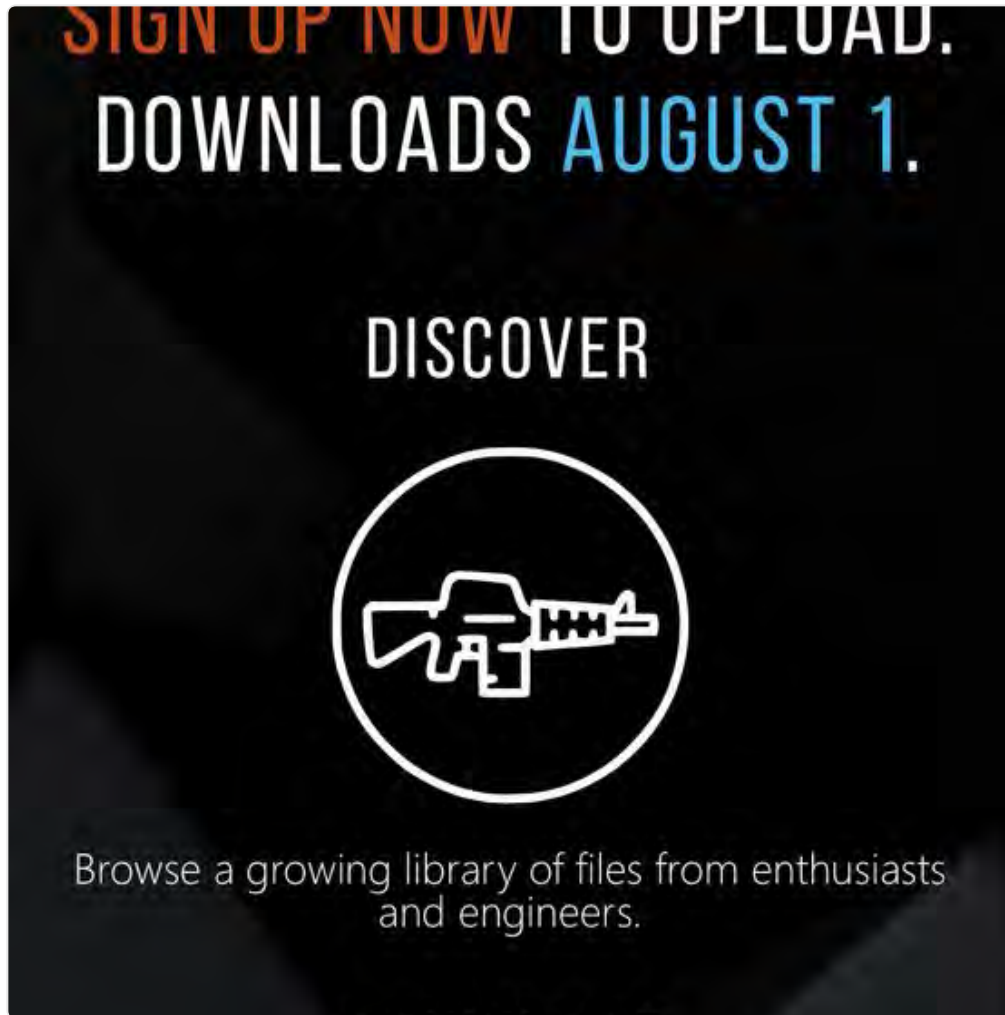
3



Ankush Narula @ankushnarula Jul 29

Replying to @Radomysisky

For those of you on iOS devices who don't have a VPN, checkout the Red Browser tor browser which bypasses NJ's garbage draconian censorship: [itunes.apple.com/us/app/red-oni...](https://itunes.apple.com/us/app/red-onion-browser/id1199103781?mt=8)



4



Eon Musk @m0rb Jul 29

Replying to @Radomysisky

Have y'all considered operating a tor onion address as well?

1



MG @_MG_ Jul 29

Flying under the radar and circumvention, as many usually do, isn't usually his thing. Making the state eat itself is the game. Check out the 2hr interview he recently posted for a good explanation of it.

2

5



Eon Musk @m0rb 24h

right on



Erick Laprise @elaprise Jul 29

Replying to @Radomysisky



2



Marcos Aguayo @aguayomarcos Jul 29

Replying to @Radomysisky

It's blocked from Spain. We'll have to use VPN/TOR

1

2

- 1 more reply



Texanus Giganticus @couchsecurity Jul 29

Replying to @Radomysisky

I guess NJ is doing so well economically it can afford to lose the inevitable lawsuit that's going to follow. Further, whoever approved this needs to do time in a no shit prison - much as I miss heads on pikes, the pragmatist in me knows better

1



Onwe Stephen @xceladds 11h

Replying to @Radomysisky

Make an Offer for "Fanstweet.com".

The Domain name is for sale at fanstweet.com/sell



Armed ASMR @TheSilencerASMR 13h

Replying to @Radomysisky

Can people in blocked areas use TOR to access the browser after changing their IP location?



Agent Orange @Agent_Orange76 21h

Replying to @Radomysisky

There are still those of us who value freedom and the tools to defend it trapped in the People's Socialist Republic of New Jerseystan.

Don't leave us hanging.



Adam Moore @AdamPaulMoore Jul 29

Replying to @Radomysisky

Do you need party to a lawsuit? I'm your huckleberry.



Frank Dashwood @DJ_Erock23 Jul 29

Replying to @Radomysisky

Yeah, they prefer to acquire their guns from BATFe/DOJ straw-buyers in that part of the country.



Ankush Narula @ankushnarula Jul 29

Replying to @Radomysisky

Visiting the folks this weekend... not cool



Michael @Its_Michael9 Jul 29

Replying to @Radomysisky

@MAC_Arms you have to check this out man



Loren @chYnaRIP Jul 29

Replying to @Radomysisky

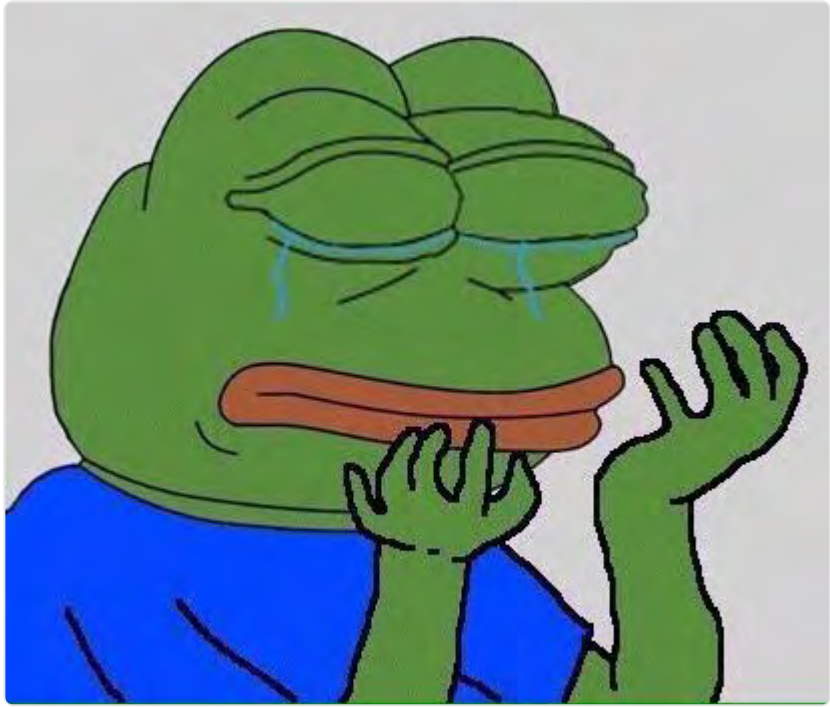
Take on Maura Healey!



Сливки @P_CREAM_er Jul 29

Replying to @Radomysisky

tfw you can still watch goatse to your hearts content, but can't look at 3D models of firearms



1 13

- 1 more reply



Chris @CryptoChris16 Jul 29

Replying to @Radomysisky

VPN!

Hell I'm in California and the site still accessible.

Go live early! (Unless there is a stipulation in the settlement..)

1 5

- 7 more replies



AT3D-SQ'D @3D_SQUARED_LTD Jul 29

Replying to @Radomysisky

Total #irresponsible use of #3Dprinting do you all support #terrorism too 🤔 as those are the types of people that will take advantage of this! Absolutely crazy 🤪

2

- 1 more reply



JM Attas 🌐 @AdvHntr Jul 29

Replying to @Radomysisky

VPN around that shit.

1 17



Pacific Autism at Tilt Speed @lagennagen Jul 29

Replying to @Radomysisky

Huh. I mean, can they just use like a shitty vpn app?



4



Abhi ⚡ @apobbati Jul 29

Replying to @Radomysisky

Like blocked as in Great Firewall blocked? Wtf is this country coming to?

4



javier @JavierRojasj 32m

Replying to @Radomysisky

Did you block it or did NJ force ISP's to block access to DEFCAD based on the source IP address of their customers?



/k/alashnikov /k/ommando @KillKommando 12h

Replying to @Radomysisky

How can they do that?



dosbox @dosbox 24h

Replying to @Radomysisky

hahahah idiots havent heard of VPN i guess



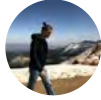
PrimalFrog ⚡ #ScheerBernier2019 @PrimalFrog Jul 29

Replying to @Radomysisky

Do you need to be a fascist to get a blue checkmark on twitter?



Harry Lime @HarryLime3 Jul 29
Replying to @Radomysisky
Live in Canada.



David Hudman @davidhudman Jul 29
Replying to @Radomysisky
Bets on what state comes next?



David Hudman @davidhudman Jul 29
Replying to @Radomysisky
You must be loving this



Andrew @AndrewCCottage Jul 29
Replying to @Radomysisky
Why though?



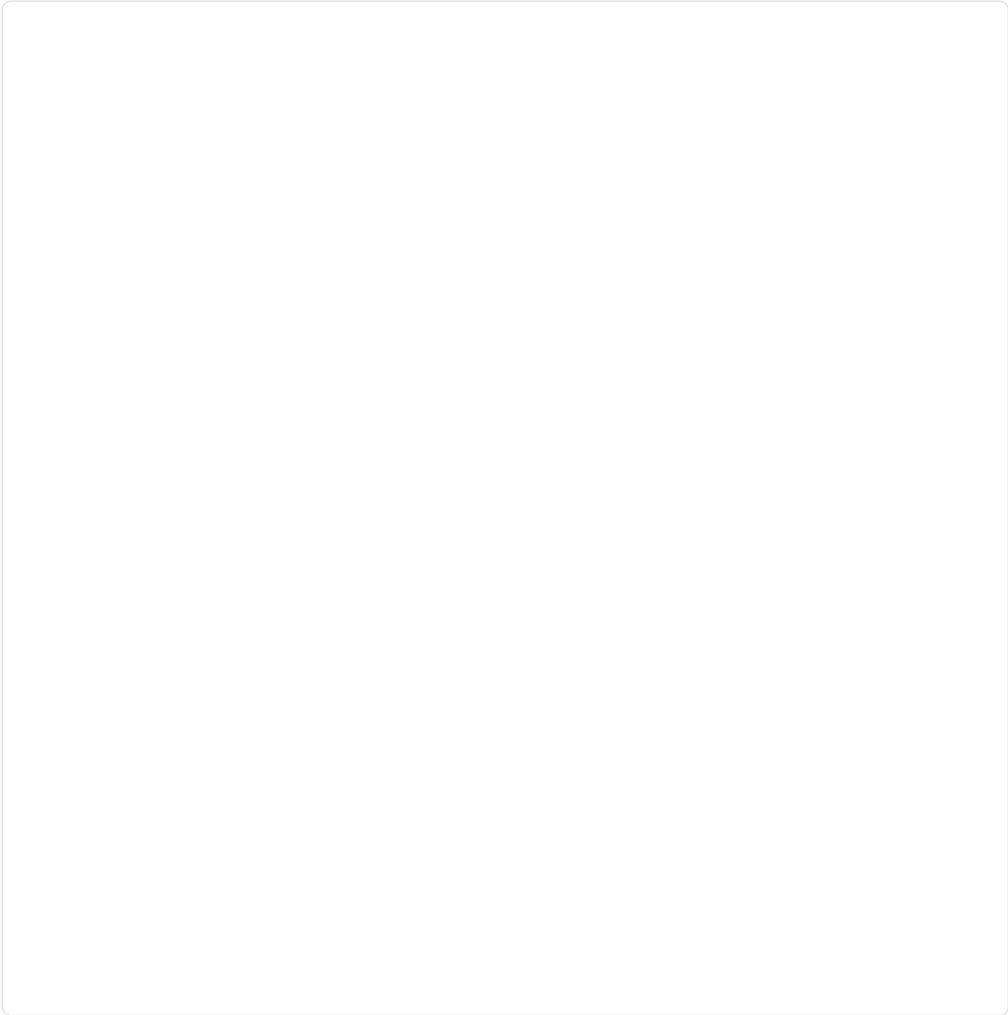
vxbinaca @vxbinaca Jul 29
Replying to @Radomysisky
If this is confirmed and not a fluke, I'm about to twist @NJGov arm behind it's back until it screams "uncle" because I'm going to start putting up DEFCAD items as Archive.org items. Let's see them block IA quietly.

1 4 26

• 6 more replies



Andrew @AndrewCCottage Jul 29
Replying to @Radomysisky
Can confirm BTW



4 3 10



Ken MacPherson @kenmacpherson Jul 29

Note the code is 451.
In computer networking, HTTP 451 Unavailable For Legal Reasons is an error status code of the HTTP protocol to be displayed when
en.m.wikipedia.org/wiki/HTTP_451

1 4 18

• 1 more reply



Mostly Kinetic @mostly_kinetic Jul 29

Replying to @Radomysisky
HTTP 451 is an allusion to Fahrenheit 451; fitting for this occasion.

1 3 17

• 1 more reply



New.Age.World.Explorer @AgeExplorer 21h

Replying to @Radomysisky
Just mirror on another site, they can't block them all

More replies



Chimeraelite @Chimeraelite1 Jul 29

Replying to @Radomysisky

Can confirm, I just checked it. Time to look into VPNs I suppose.

3



Chris @CryptoChris16 Jul 29

TOR.

2



Crosseyed @BentTailXEyes Jul 29

Replying to @Radomysisky

Can't have the peasants getting access to information we don't like. Better block those websites and start rounding up books.

11



wemeetagain @jaeger1447 Jul 29

Replying to @Radomysisky

Holy shit, this is PRC-level behavior

9



Nosnhoj Deraj @DerajNosnhoj Jul 29

Replying to @Radomysisky

Land of the Free except new jersey

8



unBEARable @chareiditz Jul 29

Replying to @Radomysisky

Just noticed I had to break out TOR for the first time in a while

3



Vlad Wraithson @MrWraith13 Jul 29

Replying to @Radomysisky

As someone who lives in NJ I can say that this is true and irritating. I don't even have a 3d printer, but I wanted the plans for when I do get one. Any suggestions around this would be appreciated. Thank you.

1



Oracle of Life, Liberty & Pursuit of Happiness @DrinkLibertea Jul 29



Replying to @Radomysisky

It's a shame we have to use VPN to get around censorship in our own country. This is the kind of shit that happens in dictatorships like China and Russia. Looks like we're getting this printing capability at just the right time! WTF?!

1

4



Duffy Elmer @FunkyDuffy Jul 29

Replying to @Radomysisky

Do they have the legal right to do that?



Drew White @MrDrewHashtag Jul 29

Replying to @Radomysisky

cc: @Popehat Hi Ken, I know you've on vacation but if you have a minute while recuperating from fowl harassment, I'd be very interested in you weighing in here. Thanks.



Corinthian @Corinthian_01 Jul 29

Replying to @Radomysisky

There's always VPN.



C.T. McMillan @CharlesMcMill92 Jul 29

Replying to @Radomysisky

How shocking. I'm livid, yo. Man, who could've predicted such a tragedy?



draconath @draconath806 Jul 29

Replying to @Radomysisky @FurredIntellect

What is defcad

1

- 2 more replies



Peter 🇺🇸 🇩🇪 @PeZuDemTe Jul 29

Replying to @Radomysisky

Wouldn't you be able to go up against such a block on free speech grounds as determined in your settlement?

1

- 3 more replies



Emanuel Neves 🇨🇦 @_EmanuelNeves Jul 29



Replying to @Radomysisky

Lol how is censorship even real lmao hahahahaha just get a VPN



the geth @geth_the Jul 29

Replying to @Radomysisky

Vpn for now. Lawsuit later



Supreme Space Force Commander @SpaceForceCDR Jul 29

Replying to @Radomysisky

Fuck Jersey



Moopzoo @ThreatUsername Jul 29

Replying to @Radomysisky

2020: ITAR suit but for states because of illegal data transfer in and out of NJ; DEFCAD
traffickers upload steganographed gcode to pornhub

1



Hokus @CryptoHokus Jul 29

Replying to @Radomysisky

Looking forward to mirroring all files via IPFS and DAT.



wyatt @punishedwyatt Jul 29

Replying to @Radomysisky

While im not a lawyer im pretty sure this breaks some sort of interstate trade law (the fact there isnt interstate trade restrictions in the US)

1

3



Pacific Autism at Tilt Speed @lagennagen Jul 29

Isn't it protected as a form of speech though? Is it still considered protected as a good?

1

- 1 more reply



wyatt @punishedwyatt Jul 29

Replying to @Radomysisky

This is why you launch early

5



Cody Blaine @libertywagon Jul 29

Replying to @Radomysisky

Ban the internet!

5

Show additional replies, including those that may contain offensive content **Show**

Cody R. Wilson
@Radomysisky

Follow

I have filed suit against @NewJerseyOAG and @CityAttorneyLA. We will not be silenced.

1:49 PM - 29 Jul 2018

245 Retweets 749 Likes



42

245

749



Alan Siefert @alan8325 Jul 29

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

This could potentially force New Jersey to get that 1A protection for technical files actually spelled out in a precedent. Well played.

31



James Lee @TheAb0litionist 19h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

If you keep winning these court battles the crown is going to have to openly denounce the whole Bill of Rights lol. Which we all know they truly don't value but getting them to SAY IT will be gratifying. Get'em Cody 👊

8



PhilMurphysucks @PMurphysucks 10h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

Great, NJ needs to be taught a lesson, they can not keep pushing people around. I hope you win!!

5



Erick Laprise @elaprise Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA



3



Bitcoinity Fan @Bitcoinity Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
beautiful

2



Loren @chYnaRIP Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
My man

2



⚡ DogecoinLeader ⚡ @2BStandingAgain 3h
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
I though you already won!!

1



Kyle Turnblazer @turnblazer 21h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Get 'em!



Maximus Haskimus @IndividualismIs 6h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
#TYFYS



Mark Camarigg @krucam Jul 29

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
This like trying to keep the Atlantic Ocean from not touching Canada. The internet is what it is, World Wide...

8



божественный судья @divinejudge1 Jul 29

Replying to @Radomysisky @Cernovich and 2 others
Give them hell!

3



Stable Genius @alankrambeer 19h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
I'll buy more @DefDist products and challenge #2A and #1A folks to do the same.

2



CRAIG @Come_on_MD 21h

Replying to @Radomysisky @MD_Shall_Issue and 2 others
Good...go on the offensive! Take no prisoner!

2



Bob Poon @FriedasBoss_SEC 17h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Fuck yeah



Joey Dura @JoeySkylynx 19h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
The dictionary definition of "Hold my beer"

1



Cory @coryiniowa 23h



Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Being legally able to do something doesn't mean it's a good thing to be doing.

1



Reseth @ResethO Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Ah, they don't like that pesky first amendment do they?

1 8

- 4 more replies



Hiragham @Hiragham Jul 29
Replying to @Radomysisky @getongab and 2 others
New Jersey and LA want to be careful.

The last thing they want is SCOTUS to affirm the *actual* meaning and purpose of the #2A.

1 12

- 2 more replies



M JK @bells8911 5h
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Why do you want criminals to have more access to guns? So weird.

1 1

- 1 more reply



Kommando Radio @kommandoradio 20h
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
You plan to sue and win against statist for the rest of your life it seems. Tiring but rewarding.

1 4

- 5 more replies

More replies



Zaha @Zaha1314 23h
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
You are a disease on civilized society.

3 1



GunsBeerFreedom @gunsbeerfreedom 20h



Yes, New Jersey is indeed a blight upon humanity.

5



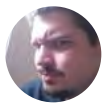
Chimeraelite @Chimeraelite1 5h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Beautiful. Thank you for protecting my rights.



Worker.ge @workerge 24h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
who is that man on NJOAG's profile?



JJ 🌿🐻 @JIMawson Jul 29

Replying to @Radomysisky @Cernovich and 2 others
Go get em!



Marilyn Williams @JoyMWilliams 23h

Replying to @Radomysisky
Why is money or power worth more to you than lives? What makes you so heartless?

3

- 1 more reply



Worker.ge @workerge 5h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
No more Demons 666>667 <3



1

- 1 more reply



1



Joseph Patrick @josephpatrickla Jul 29

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

Good for you! There aren't enough guns in our country. We need more guns that are easily accessible by all people, even felons.

2

1

- 3 more replies



RHH @RHH01NJ 3h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

The AG and Governor of New Jersey are raging anti-gun people. Not only do they not understand anything about guns but they also believe they have the right to drive a national agenda. They are horribly wrong and misguided and I applaud your suit and hope it succeeds.



Skogi @SkogiArtist 6h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

B L E S S



Jeb! is a WASTE @Jebisawastoid 21h

Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA

You're a hero sir



Win 2K @Guatpen 23h

Replying to @Radomysisky @NickRekieta and 2 others

Go git em son



3



Hyperglo (Super Friggin Elite) @thehyperglo Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
Thank you brother! You're a badass!!



THE ONE MACMAN @theonemacman Jul 29
Replying to @Radomysisky @getongab and 2 others
My tooth won't go through unless I say oh Twitter you're doing such a good job



Richard Stallman @gnuhere Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA
dab on em

5



Jacob Krieger @thereal_JacobK Jul 29
Replying to @Radomysisky @NewJerseyOAG @CityAttorneyLA



1

4

Show additional replies, including those that may contain offensive content

Show

Cody R. Wilson
@Radomysisky

Follow

2:35 PM - 29 Jul 2018

166 Retweets 435 Likes



22

166

435



Erick Laprise @elaprise Jul 29
Replying to @Radomysisky
If the mannequin is the NJ AG



1

2



Erick Laprise @elaprise Jul 29

Also I love the "oh you threatened to sue me, cool story here's a lawsuit for ya"

1

5

• 1 more reply



Tony Cecala @tonycecala Jul 29

Replying to @Radomysisky

Hit 'em where it hurts—in court! 😎

6

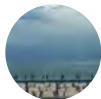


Armed ASMR @TheSilencerASMR 13h

Replying to @Radomysisky

At least people in Pennsylvania can use the TOR browser to change their IP location and download the files anyway... keep up the good fight

1



Matteo Bramucci @BramucciMatteo 16h

Replying to @Radomysisky

Close to august 1st....

Enjoy 😊

1



Asgardian @Asgardian101 20h

Replying to @Radomysisky

So the fight never ends...

1



Ghost Glocks @GhostGlocks 21h

Replying to @Radomysisky

Bravo! 🇺🇸

1



⚡ **charrles** ⚡ @herp_derpshades 23h

Replying to @Radomysisky

@jeffersonkim



Charro Avitia @avitia_charro 22h

Replying to @Radomysisky @Cernovich

Alternate title: NJ and LA don't understand VPNs.

1

5



Cory @coryiniowa 23h

Replying to @Radomysisky

I'm not saying it's not your legal right to do what you're doing, @Radomysisky. But I think a lot of people who otherwise wouldn't have are going to die because of what you're doing.

5



Cody R. Wilson @Radomysisky 23h

Good thing you have no power over me then, Cory.

1

1

30

- 2 more replies

More replies



Mitch @MitchLeeD763 Jul 29

Replying to @Radomysisky

Guns plus internet equals freedom.

10



Thomas K @tfkafka Jul 29

Replying to @Radomysisky

keep fighting the good fight brother.

5



M i c a h @MicahMeatbag 20h

Replying to @Radomysisky

Californian here, drag Los Angeles to death.

3



Intentional Person @IntentPerson 24h

Replying to @Radomysisky

Fuck them up Cody!

3



SkepticalTechie @SkepticalTechie 23h

Replying to @Radomysisky

First we beat the Fed, next we beat the states & finally we'll beat the world.

2



Michael Mount @Mmount378 15h

Replying to @Radomysisky

Destroy them!

1



MIRAGE @Mirage_Intl 6h

Replying to @Radomysisky @KommandoBlog

Can they sue the State of New York also? We haven't had the 2nd Amendment here in years...



DjDubbz @DJDubbz1 18h

Replying to @Radomysisky

Thank you.



Straight Up Ferret @RidiculousBS 20h

Replying to @Radomysisky @NotPeoriaMayor

The most interesting thing in this is that they've set precedent on "commerce in other states". I wonder - could this be an opening to negating anti-firework legislation?



Sam Adriaens #7083 @1_1_2029 18h

Replying to @Radomysisky

"Posting this material online is no different than driving to New Jersey and handing out hard-copy files on any street corner."

Who wants to go to Jersey with a few hundred thumb drives?

1

2

- 1 more reply



Marla Williams @arlamay2001 21h

Replying to @Radomysisky @Cernovich

I pray this goes in your favor Cody.

2



Maschinen @maschinenn 24h

Replying to @Radomysisky

Fight statistis at their own game.

9



Cody R. Wilson
@Radomysisky

Follow

The @PAAttorneyGen and @GovernorTomWolf attempted to shut down DEFCAD.com in federal court today. They were not able to.

3:53 PM - 29 Jul 2018

107 Retweets 399 Likes



25

107

399



Gregory M. @NotGregoryM 22h
Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
@RolloMcFloogle @NatttGeo hooray!

2 1 3



Rollo McFloogle @RolloMcFloogle 22h
WOOT!

2



Alan Siefert @alan8325 18h
Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
What's going on with "The company also agreed to not upload any new gun files to its sites, another important development."?

2



Nick Hemenway @NickHemenway 23h
Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Waiting for Aug 1st like....



1

3



Bitcoininity Fan @Bitcoinity 22h
files are up now :)

3



Ed Reagan @EdReagan 18h
Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf
Two rats that have been eating the cheese Michael Bloomberg has been feeding them.

1

4



WEATHER GIRL @WEATHERCH4 23h
Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf



30



Mr.Hodl @MrHodl 22h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf
But Jersey did?

1



thehyphed @thehyphed 22h

Cody blocked NJ, not the other way around.

thehyphed @thehyphed
You blocked it?

"Cody Wilson announced via twitter today that his Defcad website is currently not accessible in New Jersey. This is at this point his own...

2



Patrick Dawes @pdawes89 23h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf
I don't know whomst is treading on whomst at this point

1



Ray Alderman @whamodyne 19h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf
did you block PA as well like NJ? philadelphia.cbslocal.com/2018/07/29/ag-...

Or is this fake news?



Gregory M. @NotGregoryM 8h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Time to sue PA as well I assume?

1



Cody R. Wilson @Radomysisky 8h

Yes

1

11



Gregory M. @NotGregoryM 8h

Thanks buddy, let us know how we can help.

1

- 4 more replies



Doctor Goss, MD @_drgo 22h

Replying to @Radomysisky @pierre_rochard and 2 others
membership.defdist.org/join/

I'm a member. Consider the bang for the buck here all. The ratio is astounding.

1

1

4

- 3 more replies



Mostly Kinetic @mostly_kinetic 18h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf

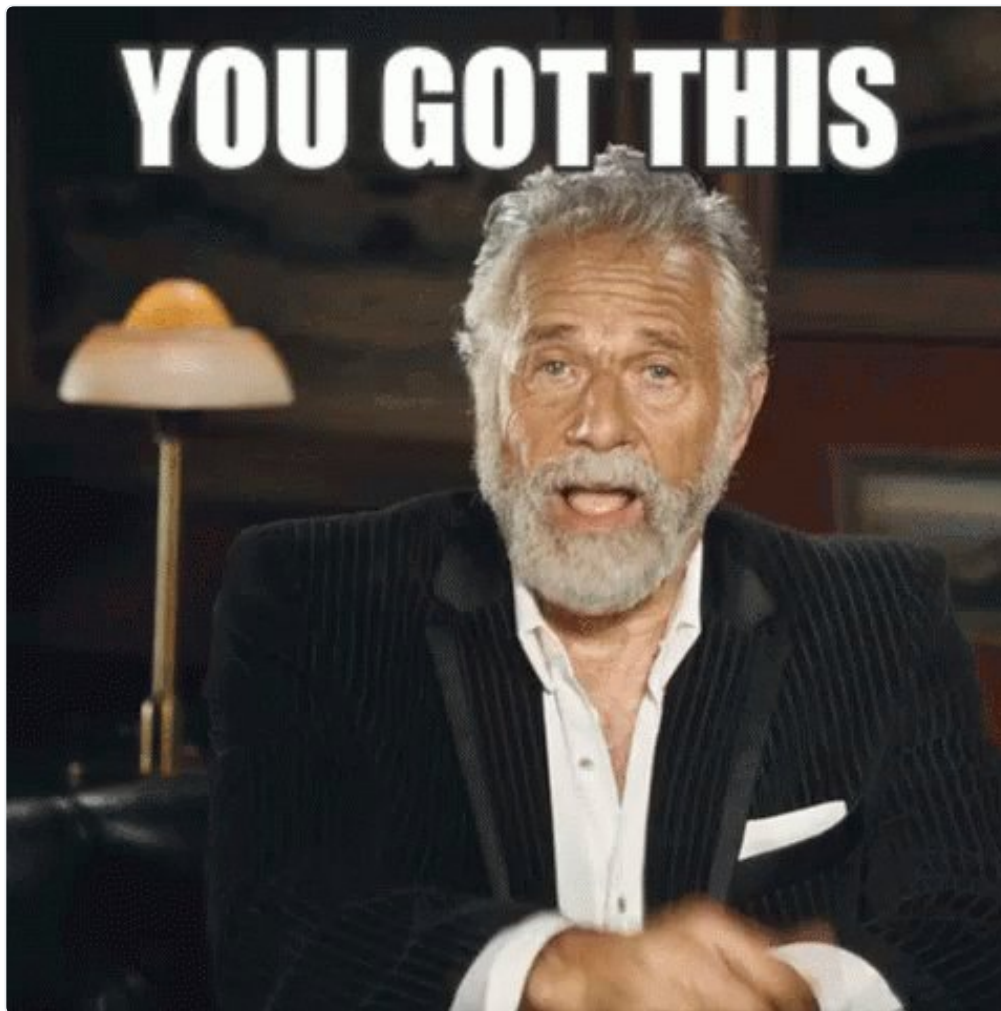
My guess is that a legal vulnerability in one state could threaten access from all 50 states when a misinformed judge makes a ruling. Probably safer to temporarily cherry pick around the threats and defeat them before they can overstep and take down all access.



Disobedient Deplorable @CandidoJerome 23h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf

keep fighting the good fight my man.



1



dUCK @duckartes 23h

Replying to @Radomysisky @PAArtorneyGen @GovernorTomWolf

Decentralize @HelloZeroNet

[\[github.com/HelloZeroNet/Z...\]](https://github.com/HelloZeroNet/Z...)

[Translate Tweet](#)

1

More replies



Ken Beaulieu @KenNBeaulieu 23h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Hoping you'll put NJ and CA in their place too.

1



Helen @helenmariabw 23h

This information will be available to the world - it is a threat to our security. How is that a good thing?

4



Gregory M. @NotGregoryM 23h

Boy are you going to be disappointed when you hear about books

1

8



Chris V @ChrisV3141 20h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
They tried to stop mp3s back in the 1990s.

2



Bobby Trill @ItsBobbyTrill 3h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Cody whats up with this???



Old Skool American @BikerFork 4h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Good. BACK OFF!



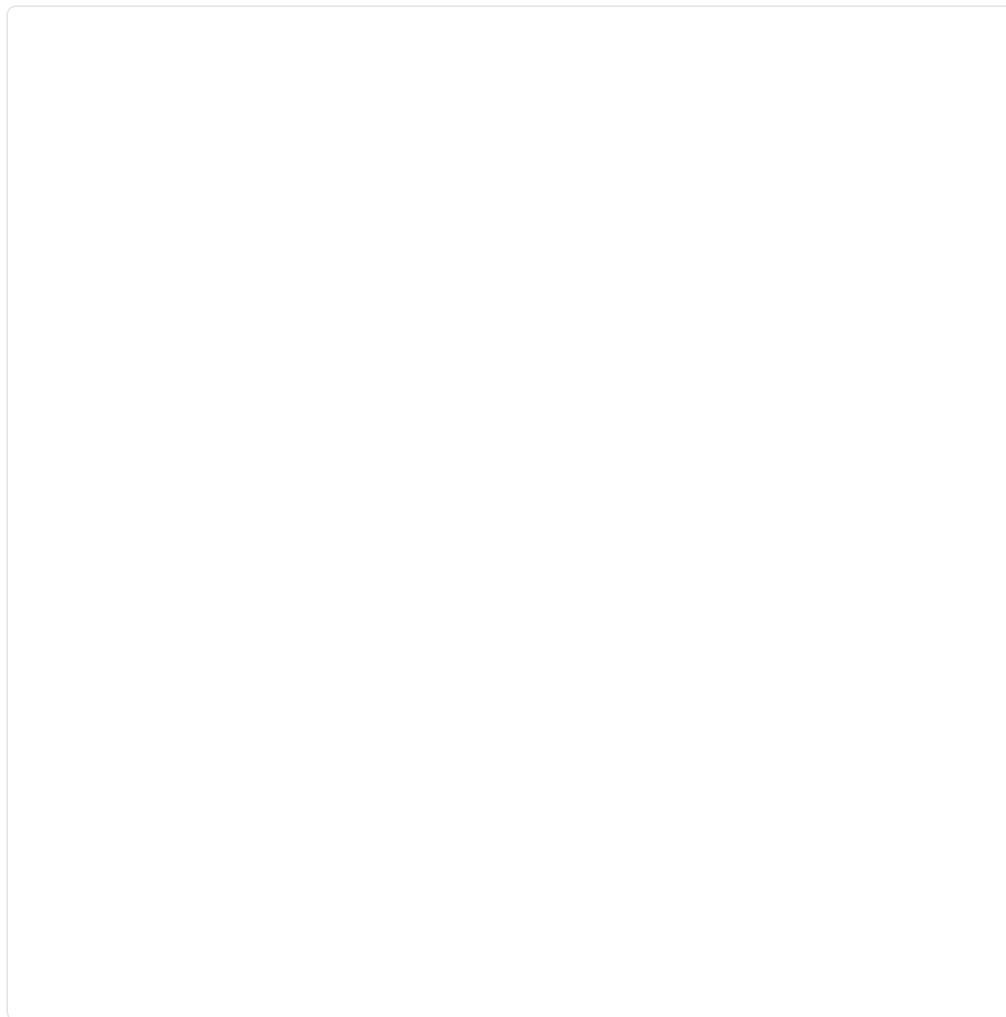
Jason Hall @HallJasonE 22h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf
Cc @abc27News @CBS21NEWS



Jason Hall @HallJasonE 22h

Replying to @Radomysisky @PAAttorneyGen @GovernorTomWolf





BanditSnek @BanditSnek 22h
VPNs m80

1



Jason Hall @HallJasonE 22h
Yep thx just pointing this out



Joseph Patrick @josephpatrickla 7h
Replying to @Radomysisky @PAAAttorneyGen @GovernorTomWolf
Based on the replies on this thread seems like the prerequisites did being a part of this ammosexual club is being a really unattractive white man.

1

- 1 more reply



Rucksack Institute @RucksackInst 19h
Replying to @Radomysisky @PAAAttorneyGen @GovernorTomWolf
So WTF you "agreed" to block PA?

1

- 1 more reply



RocketPunch3DO @DoPunch3 21h
Replying to @Radomysisky @SoylentMerchant and 2 others
Good. They are nothing more than Anti-White Marxists



wyatt @punishedwyatt 23h
Replying to @Radomysisky @PAAAttorneyGen @GovernorTomWolf
just launch early

2

5



Cody R. Wilson @Radomysisky 23h
(It's live baby)

1

3

20

- 2 more replies

Show additional replies, including those that may contain offensive content

Show

ody R. Wilson

@Radomysisky

Follow

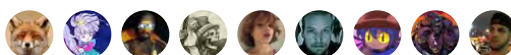
Would you like to learn more?

CeaseFirePA @CeaseFirePA

"With gun schematics in hand, a person can print their own firearm with a commercially available 3D printer—with no criminal background check, no serial number and completely outside the licensed dealer system." [axios.com/3d-printed-gun...](https://www.axios.com/3d-printed-gun...)

8:04 AM - 30 Jul 2018

47 Retweets 225 Likes



9

47

225



Michael Goldstein @bitstein 7h

Replying to @Radomysisky





Brendon Marotta @bdmarotta 7h

Replying to @Radomysisky



4



Ryan ⚖️ @uflaw_ryan 7h

Replying to @Radomysisky



Ragnar Lifthrásir 🏴 @Ragnarly 3h

Replying to @Radomysisky

Is the Pope Catholic?

1

- 1 more reply



New.Age.World.Explorer @AgeExplorer 7h

Replying to @Radomysisky

Got to love technology



4

More replies



Morlock Publishing @MorlockP 7h

Replying to @Radomysisky



8



Sumerian Independence Now! @SumerNow 5h

Replying to @Radomysisky

goo.gl/images/RV6dux

Just curious...how many takes did you do for this pic before you sat back and said, "Yes! That's the PERFECT ratio of douchiness to brain dead bravado!"?

BTW, need pics of your mom for my printable sex toy project. A little help my Libertarian bro?

1

- 1 more reply



Robert Bruce @HRMRobertBruce 2h

Replying to @Radomysisky

Yes, Ceasefire, that's exactly correct, and it's absolutely, perfectly legal for any citizen to build their own firearms. We've been doing so since 1776 and you're not going to stop us from doing so, ever.

1

2

Show additional replies, including those that may contain offensive content

Show

Cody R. Wilson
@Radomysisky

Follow

I am now being sued by at least 21 state attorneys general. If you want your Second Amendment online, THIS is the fight. Join me: membership.defdist.org

11:38 AM - 30 Jul 2018

357 Retweets 796 Likes



65

357

796



Jameson Lopp @lopp 2h
Replying to @Radomysisky @BashCo_
Count me in for life.

1

49



Cody R. Wilson @Radomysisky 2h
Endlessly in your debt

23



BlockOps @RolfVersluis 3h
Replying to @Radomysisky
If I could pay with cryptocurrency I'd be a lifetime member today

33



crypto gator @ICOnimrod 3h
Replying to @Radomysisky
add crypto payments friend

20



Jim Young @jimyoung2817 1h
Replying to @Radomysisky @lopp

I'm a 2A supporter/gun owner but I'm conflicted about this one. I believe that the proliferation of weapons without controls will create more harm than good. If someone could point me to a well laid out argument why I should support this I promise to read with an open mind.

7



Reseth @ResethO 1h

Look at most countries, in the history of the world, that disarmed the people. I lived through communists trying to take over in the mountains of the Philippines after they confiscated the weapons. It's horrific when the people can't protect themselves.

1

3



Reseth @ResethO 1h

The government shouldn't control our means to self defense. That's a natural right that supersedes any government. Bad people will always have weapons. They did in the Philippines and they do all over the world.

6

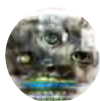


Alan Siefert @alan8325 2h

Replying to @Radomysisky

Already in. Get some crypto payment functionality soon.

7



The Fool @DannyTodd 3h

Replying to @Radomysisky

- +1 support of Crypto payments.

8



eyes in the sky @eyespy1463 2h

Replying to @Radomysisky

CRYPTO - xmr is the best by the way you monkeys

3



Executive Sensei @executive_snsei 3h

Replying to @Radomysisky

Spreading the word.

4



TaoJones @ColinAd33006332 8m

Replying to @Radomysisky

\$5 @tipprbot

Here's a donation from the Bitcoin Cash Community.

1

1

I've transferred your tip of 0.0061672 BCH (\$5 USD) to Radomysisky!

tippr @tipprbot

Tippr is a #BitcoinCash tip bot for Reddit and Twitter. Allowing users to send Bitcoin Cash to other users easily. For issues or questions contact ...

1



Replying to @Radomysisky

@AP4Liberty Get a load of this.

2



Replying to @Radomysisky

Means you must be doing something right.

1



Replying to @Radomysisky @AmirPolyteknik

I see this as a first amendment right.

1



Replying to @Radomysisky

Allow payment in bitcoin

1



Replying to @Radomysisky

After reading and watching a lot of your stuff, I think you might just be having a little fun with this, beating the system kinda thing. Anyway, I'm in.

1



Replying to @Radomysisky

Hopefully they win !

1



Matthew @MatthewIvan1859 8m

Replying to @Radomysisky

100% support



Lagos the Gargoyles @regtrader01 36m

Replying to @Radomysisky

Add crypto yes!



Christopher Smith @chrylis 51m

Replying to @Radomysisky

I'm interested, but there's just about zero information on there.



ShakiraOnSecurity @ShakiraSecurity 1h

Replying to @Radomysisky

twitter.com/MSchroeder77/s...

You're winning @Radomysisky



Matt Schroeder @MSchroeder77

The State Department has 'temporarily modified' the US Munitions List to exclude CAD files and other technical data on non- and semi-automatic firearms and key components pmddtc.state.gov/?id=ddtc_publi...



Mohamed Hobba @MohamedLibya88 1h

Replying to @Radomysisky

You just want money I thought this was a link to a petition



Mohamed Hobba @MohamedLibya88 1h

Replying to @Radomysisky

Let us pay with Bitcoin



アン SONY 田 @_FiNaLFaNTaSY_7 2h

Replying to @Radomysisky

i also recommend to take a leaf from TPB book of magick: have JS XMR mining on your websites fused with disclaiming incantations like TPB do in small print (ie: tell people to disable JS/use ad blocker to opt out of JS XMR mining, or leave if they dont like it), Voluntaryism.

1



アンス ON Y 田 @_FiNaLFaNTaSY_7 1h

with browser addons such as noscript, ScriptSafe, etc., they can be instructed to disable a specific third party domain or element where the JS XMR miner code is, so the rest of the JS may be allowed on the site



Victor Pons @ponsmeister 2h

Replying to @Radomysisky

Do foreign members help your case?



Sonya Mann @sonyaellenmann 2h

Replying to @Radomysisky



Loren @chYnaRIP 2h

Replying to @Radomysisky

All this talk about crypto payments. I'm pretty sure @Radomysisky's lawyers want that cash

1



Alan Siefert @alan8325 1h

True but the credit cards could drop the service.



Alphonse @cryptocapone_ 3h

Replying to @Radomysisky

Need to add crypto payments.

1

11



Stable Genius @alankrambeer 3h

Replying to @Radomysisky

@DefDist



14



Benny Suavo @BennySuavo 3h

Replying to @Radomysisky
when supreme court

4



Kyle Dean @KyleADean 2h

Replying to @Radomysisky
Yes King

1



Stable Genius @alankrambeer 3h

Replying to @Radomysisky
Done

1



Adam Cox @AdamCox11 3h

Replying to @Radomysisky
Done.



RedDoorRefinisher @RedDoorRefinish 3h

Replying to @Radomysisky
@BattleBornBundy @BundyRanch @RedoubtN



Hiraghm @Hiraghm 3h

Replying to @Radomysisky @getongab

So 21 State attorneys general either are illiterate or have poor reading comprehension... or don't respect the Constitution of the republic.

10

- 1 more reply

More replies



Hoploo @hoploo1 3h

Replying to @Radomysisky

Again? I thought this was already settled.

1



Jessica Solce @jessicasolce 3h

Second battle following, reacting too settlement.

3



Rooster King  @R00sterKing 3h

Replying to @Radomysisky

Get on the @joerogan podcast

7

- 1 more reply



BitOtter **(AfS)** @therealbitotter 3h

Replying to @Radomysisky

Your still releasing in 2 days right? :P

1

- 1 more reply



James McLeod @Xxoax 3h

Replying to @Radomysisky

Should list all the AGs names and have 4chan docs them I guarantee 75% of them are dirty closet full of skeletons scoundrels.



6



HaitianLeg @HaitianLeg 3h

Replying to @Radomysisky

Legislative terrorism by the state in direct violation of the 1st amendment. I wouldn't expect anything else from the domestic enemy party.

1



Byron J Kelley @PapaBear562 10m

Replying to @Radomysisky

Sued for what?



HoboJerk @HoboJerk 1h

Replying to @Radomysisky

@BtcpayServer hook him up please



DannyNogg @KelTjorson 1h

Replying to @Radomysisky

Why don't you download plans for 3D printed tears.



Mohamed Hobba @MohamedLibya88 1h

Replying to @Radomysisky

Can you please give us a list of of these 21 traitors



Ryan Smyth @_Ryan_Smyth_ 2h

Replying to @Radomysisky

Already joined! I'll keep spreading the word.



NYCironworker @W4thSt 3h

Replying to @Radomysisky

Already joined



Oracle of Life, Liberty & Pursuit of Happiness @DrinkLiberte 3h

Replying to @Radomysisky

Already in!



Nathan Weinman @nabombmaven 3h

Replying to @Radomysisky

Done! 3yr membership. Just an idea but you should offer the option to pay for a life membership over 1yr.



wemeetagaintrebek @jaeger1447 3h

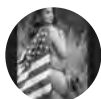
Replying to @Radomysisky

Aren't their cases fairly frivolous? Regardless of what State Dept. did or didn't do to DEFCAD in particular, hasn't this category of information been freely accessible for quite some time from other sources?

2

1

- 1 more reply



ma-Tante @56ma74tante 33m

Replying to @Radomysisky

I'm a conservative pro 1A & 2A

WHY would you make this public? I don't understand!

Should we just add *free guns* to food, healthcare?!

I'm really confused over WHY!!

Signed,
Grammy



Gargamel  @PhillipLongo 33m

Replying to @Radomysisky

I stand with @Radomysisky - You should too! RT!



bedroom door slam @Bumpstocks 55m

Replying to @Radomysisky

Easy wins right? Since federal gave you the go ahead?



ZyroFoxtrot   @ZyroFoxtrot 2h

Replying to @Radomysisky

Can anyone quantify how many instances of what the left is crying about on this subject, has actually come to fruition? Where are the examples of 3D printed guns being purposely built for the commission of any crimes or any crimes committed with a 3D printed gun?



ZyroFoxtrot   @ZyroFoxtrot 2h

Replying to @Radomysisky

still trying to figure out how the left is making this out to be the big deal they are. If someone has the money to buy a 3D printer with the purpose of making basically a temporary gun for nefarious purposes, they can steal or purchase one cheaper on the street.....



Robert Bruce @HRMRobertBruce 2h

Replying to @Radomysisky

Does the Ghost Gunner have programming for the AR-10 7.62 receiver? Can you develop one that will completely machine an AR receiver from a billet? How about other types of receivers, like handguns? A few million of those in circulation would hobble gun banners permanently.



White&Normal @WhiteRabbit0002 3h

Replying to @Radomysisky

OH EMM JEE!!! It's World War 3!!!



I am going to pay for a membership for @Alyssa_Milano
Cheers!

Replying to @Radomysisky

2

Show

Cody R. Wilson
@Radomysisky

Follow

We will fight a TRO in WA later today:

5:40 AM - 31 Jul 2018

22 Retweets 64 Likes




7

22

64





Mark @Riggi36 35m
Replying to @Radomysisky
Kill em all



Defense Distributed

to me

8:48 AM [View details](#)



Welcome Mark!

You can login here: <https://membership.defdist.org/member-login/>

Using this username and password:

Username: DefinitelyNotTheATF
Password: *** Password you set during signup ***

Cheers!

The Defense Distributed Team

2



Amanda Jay @EshHheva 11m
Replying to @Radomysisky
I
L



Amanda Jay @EshHheva 16m
Replying to @Radomysisky



Amanda Jay @EshHheva 16m

Replying to @Radomysisky

Q, jW9. Uk



Sarah Post @postacalypse 46m

Replying to @Radomysisky

Get 'em! You will win.

More replies



WanderingNinja @NinjaWandering 1m

Replying to @Radomysisky

I love what you're doing for the people.

Show additional replies, including those that may contain offensive content

Show



Cody R. Wilson
@Radomysisky

Follow

A Rush to Block Downloadable Plans for 3-D Printed Guns

6:43 AM - 31 Jul 2018

11 Retweets 58 Likes



13

11

58



Bitcoinization ⚡ @bitcoinization 17m
Replying to @Radomysisky

I just heard today that the State of Massachusetts is suing the Federal Government in an attempt to block your website, did you know about this?

2



Cody R. Wilson @Radomysisky 7m
Ya



Al Short @AlJShort 13m

Replying to @Radomysisky

You'd think they'd be more concerned about real guns bearing in mind they actually exist.

2



tony lipsey ⚡ @tonylipsey 27m

Replying to @Radomysisky

Get 'em, Cody!

2



LIL PUMP BIG DUMP @lilpumpbigdump 15m

Replying to @Radomysisky

hahahahaha

1



LIL PUMP BIG DUMP @lilpumpbigdump 13m

they can't do shit



Brain overclocking supplement @Caphenated 28m

Replying to @Radomysisky

/waves

I can help you resolve your collapsing site issue



William Maggos @wjmaggos 30m

Replying to @Radomysisky

Paywall. Are you getting push back from NRA too because they care more about selling guns than about protecting the 2A?

1

1

• 2 more replies



Chris Zinner @cmzinner 30m

Replying to @Radomysisky

They will lose, but it's a fun exercise: shows which states function as tinpot dictatorships.

More replies



Michael Mount @Mmount378 25m

Replying to @Radomysisky

Democrats proving once again that they don't get or even care about the 1st Amendment.

1



JimmyTwoTimes @jimmy2wotimes 14m

Replying to @Radomysisky

Ha ha.. Too late



Michael D @mic_p_dre 32m

Replying to @Radomysisky

I wonder if they know the plans are already available to people willing to look



WanderingNinja @NinjaWandering 15m

Replying to @Radomysisky

Its not going away. Its a beautiful time to be alive.



wyatt @punishedwyatt 32m

Replying to @Radomysisky

we are now at the point where tech has moved so fast that the politics have moved with it. You dont support the second amendment if you dont support 3d printing. Because with 3d printing the second amendment cannot be stopped by lawmakers. NRA is now the enemy

1

9



Wright O'Groyper @FarRightScum 33m

Replying to @Radomysisky

You got this Cody! You are at the frontline of the battle for our nation's soul.

God is with you!

2

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiff

By: Lorraine K. Rak (035771985)
Deputy Attorney General, Section Chief
Lara J. Fogel (038292006)
Melissa Medoway (028422011)
Jesse J. Sierant (049342013)
Deputy Attorneys General
Affirmative Civil Enforcement
(973) 877-1280

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO.ESX-C-131-18

GURBIR S. GREWAL, Attorney General
of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, and JANE and JOHN DOES 1-
20, individually and as owners,
officers, directors, shareholders,
founders, members, managers,
agents, servants, employees,
representatives and/or independent
contractors of DEFENSE
DISTRIBUTED, and XYZ CORPORATIONS
1-20,

Defendants.

Civil Action

**CERTIFICATION OF
CHIEF INFORMATION SECURITY
OFFICER MICHAEL T. GERAGHTY**

I, Michael T. Geraghty, of full age, certify as follows:

1. I am a citizen of the United States and a resident of

the State of New Jersey ("New Jersey").

2. I am over 21 years of age.

3. As a result of my education and work and life experience, I have in-depth knowledge, understanding and experience in the area of cybersecurity, technical investigations, information technology, networks and network security.

4. I have over 25 years of experience in the field of cybersecurity and technical investigations. I am currently the Chief Information Security Officer for the State of New Jersey and the Director of the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC). Previously, I held the following positions: Vice President and Chief Information Security Officer of the Hudson's Bay Company, the Vice President and Chief Information Officer for the National Center for Missing and Exploited Children, the Vice President of the High Technology Investigations Unit for Prudential Financial, the Network Intrusion Detection Manager for Lucent Technologies and Detective Sergeant for the New Jersey State Police High Technology Crimes and Investigations Support Unit.

5. I have lectured extensively throughout the world on the topic of cybersecurity, high tech investigations and computer forensics, providing technical and investigative assistance to law enforcement agencies both domestically and internationally, including the FBI, Secret Service, Department of Homeland

Security, Naval Intelligence, New Scotland Yard, and the Royal Newfoundland Constabulary Service. I am a past president of the Northeast Chapter of the High Technology Crimes Investigation Association and have held leadership roles in the National Strategic Policy Council on Cyber and Electronic Crime. I am a Certified Information Systems Security Professional (CISSP #466023). I have taken numerous cybersecurity, computer investigations, forensics, and technology courses. I have a Bachelor of Arts Degree in Liberal studies from Thomas Edison State University.

Throughout my career I have had extensive experience with computer networks including the use of web proxies and virtual private networks.

6. Defendants in this matter have represented that they have blocked all New Jersey Internet Provider ("IP") addresses from accessing their website located at <http://Defcad.com>.

7. Defendants are not blocking all New Jersey IP addresses from accessing their website and they cannot do so. A complete block to Defendants' websites for everyone in the State of New Jersey ("State" or "New Jersey") is technologically impossible.

8. Blocking of IP addresses is simple to defeat. There are two main ways to get around the blocking of IP addresses: (1) web proxies; and (2) anonymous VPN. Both methods mask the source and location of the actual IP address and therefore the actual location

of the computer to make the website that the user is attempting to access believe that the requester is in a different location. Both methods are available for free on the Internet.

9. With a web proxy, a user can type in the address of the blocked webpage into the proxy website. The request is sent from the proxy website causing the blocked website to believe the request is coming from an unblocked geographical location and not the user's actual server or IP address.

10. Web proxy websites are commonly accessible and only take seconds to use.

11. With an anonymous VPN, the user downloads a program or "client" to his or her computer. That program redirects all of the user's internet traffic to another internet connection in another state or country.

12. This technology is widely available and can be set up in a matter of minutes.

13. Defendants could try to preemptively block attempts to access their websites from the most popular websites, however there are many other web proxy websites, some of which are obscure and others which could be newly created at any time. Therefore, it would be impossible to block traffic from all of them.

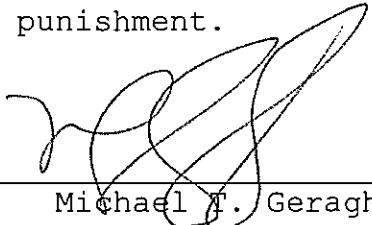
14. Preemptive blocking of anonymous VPN would be even harder. Defendants could monitor the IP addresses from which their websites appear to be accessed and selectively block any such IP

addresses that appear suspicious. However, this would be imperfect and, in order for the Defendants to review and manually block these IP addresses, the IP addresses would have had to have accessed the Defendants' websites first.

15. In addition to web proxies and VPNs, the geolocation of IP addresses is only an approximation of the user's physical location. Devices using wireless communications such as 3G and 4G cellular communications sometimes are geolocated by common IP geolocation services as existing in other states. Geolocating IP addresses along state borders is also only approximate and may identify New Jersey resident IP addresses as existing in bordering states, Pennsylvania, New York, or Delaware.

16. The only way to effectively block access by New Jersey users to the files that Defendants propose to put on their websites would be to prevent Defendants from posting that material on their websites in the first place.

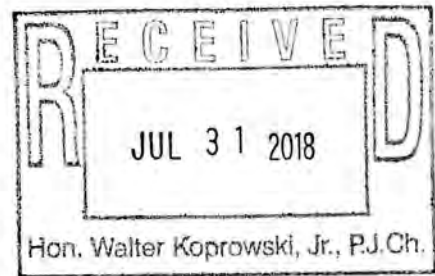
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Michael T. Geraghty

Dated: July 31, 2018

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiff



By: Lorraine K. Rak (035771985)
Deputy Attorney General, Section Chief
Lara J. Fogel (038292006)
Melissa Medoway (028422011)
Jesse J. Sierant (049342013)
Deputy Attorneys General
Affirmative Civil Enforcement
(973) 877-1280

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. ~~C-131-18~~

C-133-18

GURBIR S. GREWAL, Attorney General
of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, and JANE and JOHN DOES 1-
20, individually and as owners,
officers, directors, shareholders,
founders, members, managers,
agents, servants, employees,
representatives and/or independent
contractors of DEFENSE
DISTRIBUTED, and XYZ CORPORATIONS
1-20,

Defendants.

Civil Action

ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52

THIS MATTER being brought before the Court by Lara F.
Fogel, Deputy Attorney General, for plaintiff Gurbir S. Grewal,
Attorney General of New Jersey ("Plaintiff"), seeking relief by

way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint and supporting Certifications and Brief filed herewith; and it appearing that immediate and irreparable harm will likely result before notice can be given and a hearing held, and for good cause shown.

It is on this 31st day of July **ORDERED** that defendants Defense Distributed and Cody Wilson (collectively, "Defendants"), appear and show cause before the Superior Court of New Jersey, Chancery Division - General Equity Part, Essex County, at the Wilentz Justice Complex in Newark, New Jersey, at 9 (am)/pm or as soon thereafter as counsel can be heard, on the 12th day of September, 2018, why an Order should not be issued preliminarily enjoining and restraining Defendants from:

- A. Publishing, exporting, and distributing the printable-gun computer files as described in the Verified Complaint whether through the websites located at <https://defdist.org>, <https://defcad.com>, and <https://ghostgunner.net>, or otherwise;
- B. Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in Rule 4:18-1(a), in their possession, subject to their control or available to them, that directly or indirectly relate to Defense Distributed, including memberships, donations, web content, advertisements and sales records;
- C. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in Rule 4:18-1(a) that directly or

indirectly relate to Defense Distributed, including memberships, donations, web content, advertisements and sales records;

- D. Continuing the temporary injunctive and ancillary relief already ordered by the Court; and
- E. Granting such other relief as the Court deems equitable and just.

And it is further **ORDERED** that pending the return date herein, Defendants ~~are temporarily enjoined and restrained from:~~ **have agreed that they will not**

- A. ~~Publishing, exporting, and distributing the printable gun computer files as described in the Verified Complaint whether through the websites located at https://defdist.org, https://defcad.com, and https://ghostgunner.net, or otherwise;~~ **UPLOAD ANY ADDITIONAL FILES**

- B. ~~Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in Rule 4:18-1(a), in their possession, subject to their control or available to them, that directly or indirectly relate to Defense Distributed, including memberships, donations, web content, advertisements and sales records; and~~ **Block Access to NJ IP addresses and mobile devices**

- C. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in Rule 4:18-1(a) that directly or indirectly relate to Defense Distributed, including memberships, donations, web content, advertisements and sales records.

And it is further **ORDERED** that:

- ~~1. Defendants may move to dissolve or modify the temporary restraints herein contained upon two (2) days' notice to the Plaintiff's attorney.~~

2. A copy of this Order to Show Cause, Verified Complaint, Brief and Certifications submitted in support of this application shall be served upon the Defendants personally (or by other means) within 5 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. Plaintiff must file with the Court its proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

4. Defendants shall file and serve a written response to this Order to Show Cause and the request for entry of injunctive relief and proof of service by August 14th, 2018. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge Koprowski, whose address is Superior Court of New Jersey, Chancery Division, General Equity Part, Essex County, Wilentz Justice Complex, 212 Washington Street - 8th Floor, Newark, New Jersey 07102. You must also send a copy of your opposition papers to the Plaintiff's attorney, whose name and address appears above. A telephone call will not protect your

rights; you must file your opposition and pay the required fee of \$_____ and serve your opposition on your adversary, if you want the Court to hear your opposition to the injunctive relief the Plaintiff is seeking.

5. Plaintiff must file and serve any written reply to the Defendants' Order to Show Cause opposition by August 21, 2018. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the Chambers of Judge Koprowski.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, Plaintiff's application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of Order at least three (3) days prior to the return date.

7. If the Plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

8. Defendants, take notice that the Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states

the basis of the lawsuit. If you dispute this, Verified Complaint, you, or your attorney, must file a written Answer to the Verified Complaint and proof of service within thirty-five (35) days from the date of service of this Order to Show Cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Include a \$_____ filing fee payable to the "Treasurer, State of New Jersey." You must also send a copy of your Answer to the Plaintiff's attorney whose name and address appear above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the Order to Show Cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within thirty-five (35) days of this Order to Show Cause, the Court may enter a default against you for the relief Plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not

eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_depty_clerklawref.pdf.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court and parties are advised to the contrary no later than 2 days before the return date.


Hon. **Hon. Walter Koprowski, Jr. P.J.Ch.**

FURTHER ORDERED that Mr. Daniel Schmutz, esq., counsel for defense, shall submit formal Pro Hac Vice applications for defense co-counsel within 7 days of date of this order.

Reasons placed on the record.

LAW OFFICES

HARTMAN & WINNICKI, P.C.

Dariusz M. Winnicki *^o
Brian T. Keane ^o
Richard L. Ravin *^o
Daniel L. Schmutter*
Andrew T. Wolfe ^o
Samantha N. Polizzi^o
Steven B. Gladis^o×

74 PASSAIC STREET
RIDGEWOOD, NEW JERSEY 07450

* * *

WEBSITE
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Phone: (201) 967-8040
Fax: (201) 967-0590

Porter E. Hartman (1920-2009)
Charles R. Bulman (1938-1994)
William T. Marsden (1943-1993)
Cyrus D. Samuelson (1911-1998)

* New York and New Jersey Bars
^o Florida Bar
^o Washington, D.C. Bar
^o New Jersey Bar
× Pennsylvania Bar

August 7, 2018

VIA HAND DELIVERY

Clerk, Chancery Division
Superior Court of New Jersey, Essex County
212 Washington St.
Newark, New Jersey 07102

**Re: Grewal v. Defense Distributed, et al.
Docket No.: ESX-C-133-18**

Dear Sir or Madam:

This firm is counsel to Defendants Defense Distributed and Cody R. Wilson in connection with the above-referenced action. We enclose for filing an original and two (2) copies of (1) Notice of Motion for Admission *Pro Hac Vice* of Matthew A. Goldstein, Esq. on Behalf of Defendants Defense Distributed and Cody R. Wilson, (2) Certification of Matthew A. Goldstein, Esq., (3) proposed form of Order, and (4) Certification of Service.

Please file the original and return one copy stamped as "FILED", to me in the enclosed self-addressed stamped envelope.

Please note that counsel for Plaintiff has consented to Mr. Goldstein's admission *pro hac vice*.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



STEVEN B. GLADIS

Enclosures

cc: Lorraine Rak, Esq.

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney
General of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX
COUNTY

DOCKET NO.: ESX-C-133-18

Civil Action

**NOTICE OF MOTION FOR
ADMISSION *PRO HAC VICE* OF
MATTHEW A. GOLDSTEIN, ESQ.
ON BEHALF OF DEFENDANTS
DEFENSE DISTRIBUTED AND
CODY R. WILSON**

**To: Lorraine Rak, Esq.
Office of Attorney General
124 Halsey Street
Newark, NJ 07101
Attorneys for Plaintiff**

PLEASE TAKE NOTICE that on August 31, 2018, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for defendants Defense Distributed and Cody R. Wilson (together, "Defense Distributed"), will move before the Superior Court of New Jersey, Chancery Division, Essex County, Newark, New Jersey, for an order pursuant to *R. 1:21-2* permitting Matthew A.

Goldstein, Esq. of the law firm of the law firm of Snell & Wilmer, L.L.P., to be admitted *pro hac vice* for the purpose of representing Defense Distributed in this action in association with New Jersey counsel, Hartman & Winnicki, P.C.

PLEASE TAKE FURTHER NOTICE that Defense Distributed will rely upon the Certification of Matthew A. Goldstein, Esq. submitted herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to R. 1:6-2(d), Defense Distributed hereby requests oral argument only if the motion is contested; and

PLEASE TAKE FURTHER NOTICE that a proposed form of order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that counsel for Plaintiff has consented to the admission *pro hac vice* of Matthew A. Goldstein, Esq.

HARTMAN & WINNICKI, P.C.
Attorneys for Defendants Defense Distributed and
Cody R. Wilson

By: _____

DANIEL L. SCHMUTTER

Dated: August 7, 2018

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney
General of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX
COUNTY

DOCKET NO.: ESX-C-133-18

Civil Action

**CERTIFICATION OF
MATTHEW A. GOLDSTEIN,
ESQ. IN SUPPORT OF
MOTION FOR ADMISSION
*PRO HAC VICE***

Matthew A. Goldstein, of full age, hereby certifies as follows:

1. I submit this certification in support of the application of defendants Defense Distributed and Cody R. Wilson (together, "Defense Distributed"), for my admission *pro hac vice* in this action.

2. I am an attorney and counsel to the law firm of Snell & Wilmer, L.L.P., where I practice in Arizona and Washington, D.C.

3. I am a member in good standing of the Bars of the highest court of the State of Arizona and of Washington, D.C. where I principally practice law. I am also

admitted to practice before the Supreme Court of the United States, the United States District Court for the District of Arizona, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the District of Columbia Circuit, and the United States Court of International Trade.

4. I am associated with Daniel L. Schmutter, Esq., of the law firm of Hartman & Winnicki, P.C., New Jersey counsel of record for Defense Distributed in this matter and qualified to practice pursuant to R. 1:21-1.

5. I have not been the subject of disciplinary action by any court or bar. I recognize and will abide by my continuing obligation to advise the Court of any disciplinary proceedings pursuant to R. 1:21-2(b)(1)(D).

6. Defense Distributed and Cody R. Wilson have requested that I represent them in this proceeding because I have represented them since approximately 2014. I am therefore fully familiar with the complex legal and factual issues implicated by this matter.

7. I agree to observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trials or other proceedings. I agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline or such other actions as the Court may deem proper.

8. I will comply with the requirements of R. 1:28-2, R. 1:28B-1(e) and R. 1:20-1(b).

9. For the foregoing reasons, I respectfully request that this Court permit me to participate in this action in the same manner as attorneys in the State of New Jersey in association with Harman & Winnicki, P.C.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



MATTHEW A. GOLDSTEIN

Dated: August 6, 2018

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney
General of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX
COUNTY

DOCKET NO.: ESX-C-133-18

Civil Action

**ORDER ADMITTING
MATTHEW A. GOLDSTEIN,
ESQ. *PRO HAC VICE* ON
BEHALF OF DEFENDANTS
DEFENSE DISTRIBUTED
*AND CODY R. WILSON***

This matter having been opened to the Court by Hartman & Winnicki, P.C., attorneys for defendants, Defense Distributed and Cody R. Wilson (together, "Defense Distributed") on their application to have Matthew A. Goldstein of the law firm of Snell & Wilmer, L.L.P. admitted *pro hac vice* on behalf of Defense Distributed for the purposes of this action, on notice to all counsel of record; and the Court having reviewed the certification in support thereof; and counsel for Plaintiff having consented to such *pro hac vice* admission; and for good cause shown;

IT IS on this _____ day of August, 2018;

ORDERED as follows:

1. The motion to admit Matthew A. Goldstein, Esq. of the law firm of Snell & Wilmer, L.L.P., *pro hac vice* in this matter on behalf of Defendants Defense Distributed and Cody R. Wilson be and the same is hereby granted.

2. Matthew A. Goldstein, Esq. shall abide by the New Jersey Court Rules, including R. 1:20-1 and R. 1:28-2.

3. Matthew A. Goldstein, Esq. shall consent to the appointment of the Clerk of the Supreme Court as an agent upon whom service of process may be made for all actions against him that may arise out of his participation in this matter.

4. Matthew A. Goldstein, Esq. shall notify the Court immediately of any matter affecting his standing at the bar of any other court.

5. Matthew A. Goldstein, Esq. shall have all pleadings, briefs, and other papers filed with the Court signed by an attorney of record in this case authorized to practice in this State, who shall be held responsible for them, the conduct of the cause and the admitted attorney herein.

6. Matthew A. Goldstein, Esq. cannot be designated as trial counsel.

7. No discovery, motion, trial or any other proceeding delay shall occur or be requested by reason of the inability of Matthew A. Goldstein, Esq. to be in attendance.

8. Matthew A. Goldstein, Esq. must, within ten (10) days after receipt of this Order pay the fees required by R. 1:20-1(b) and R. 1:28-2 and submit a certification of compliance.

9. Automatic termination of *pro hac vice* admission will occur for failure to make the required annual payment to the Disciplinary Oversight Committee and the New Jersey Lawyer's Fund for Client Protection. Proof of such payment, after filing proof of the initial payment, shall be made no later than February of each year.

10. Noncompliance with any of the above requirements shall constitute grounds for removal.

11. A copy of this order shall be served upon all counsel of record within seven (7) days of the receipt of this order.

HON. WALTER KOPROWSKI, JR., J.S.C.

HARTMAN & WINNICKI, P.C.

Daniel L. Schmutter, Esq. 049381991

Steven B. Gladis, Esq. 016192008

74 Passaic Street

Ridgewood, New Jersey 07450

Phone: (201) 967-8040

Fax: (201) 967-0590

Attorneys for Defendants

Defense Distributed and Cody R. Wilson

GURBIR S. GREWAL, Attorney
General of the State of New Jersey,

Plaintiff,

v.

DEFENSE DISTRIBUTED, CODY R.
WILSON, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX
COUNTY

DOCKET NO.: ESX-C-133-18

Civil Action

**CERTIFICATION OF
SERVICE**

Steven B. Gladis, of full age, hereby certifies as follows:

1. I am an attorney-at-law of the State of New Jersey and of counsel to the law firm of Hartman & Winnicki, P.C., attorneys for Defendants Defense Distributed and Cody R. Wilson in this action. As such, I have personal knowledge of the facts set forth herein.

2. On this date, I caused copies of Defendants' Notice of Motion for Admission *Pro Hac Vice* of Matthew A. Goldstein, Esq. on Behalf of Defendants Defense Distributed and Cody R. Wilsons, Certification of Matthew A. Goldstein, Esq., proposed form of Order, and the within Certification of Service to be filed with the Clerk, Chancery Division, Essex County, 212 Washington


Street, Newark, New Jersey, via hand delivery.

3. I further certify that on this date, I caused copies of the foregoing papers to be served upon:

Lorraine Rak, Esq.
Office of Attorney General
124 Halsey St.
Newark, NJ 07101

via hand delivery.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Steven B. Gladis

DATED: August 7, 2018

Daniel L. Schmutter

From: Julina Schaeffer <julina.schaeffer@njcourts.gov>
Sent: Tuesday, August 14, 2018 3:23 PM
To: Daniel L. Schmutter; Lorraine Rak; Lara Fogel
Cc: mgoldstein@swlaw.com
Subject: Grewal v. Defense Distributed, C-133-18

Importance: High

Good afternoon, counsel:

Please be advised, Judge Koprowski has granted the extensions in the above referenced matter. Opposition to the order to show cause is due by September 14, 2018. Replies are due September 21, 2018. The return date of the order to show cause is adjourned to **October 17, 2018 at 10:30am**. Kindly notify any interested party not listed here. Please reply confirmation that you have received this notice.

Thank you.

Julina Schaeffer
Law Clerk to the Honorable Judge Koprowski, Jr., P.J.
Chancery Division, General Equity & Probate Parts, Essex Vicinage
Wilentz Justice Complex
212 Washington Street, 8th Floor
Newark, NJ 07102
(973) 776-9520